

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**CIVIL REVISION PETITION No.2440 OF 2016**

**ORDER :**

This Revision is filed challenging the order dt.11.04.2016 in I.A.No.506 of 2015 in O.S.No.91 of 2011 of the I Additional Junior Civil Judge, Bhimavaram, West Godavari District.

2. Petitioner herein is the plaintiff in the above suit. He filed the said suit for mandatory injunction and other reliefs against the respondent in respect of the suit schedule property.

3. Four years after the suit was filed, respondent filed I.A.No.506 of 2015 invoking Order VIII Rule 1A(3) of CPC seeking permission of the Court to file certain documents as exhibits.

4. In the affidavit filed in support of the said application, it is stated that the said documents were not filed earlier since they were misplaced with some other file and they were traced out on the day prior to the filing of the application.

5. Counter affidavit is filed by the petitioner opposing the said application contending that the documents now sought to be filed by the respondent are not relevant for the purpose of the case and also pointed out that proper reasons were not assigned by the respondent for filing these documents belatedly.

6. By order dt.11.04.2016, the Court below allowed the said

application observing that some of the documents are originals, that they are necessary for adjudication of the subject matter of the case, and procedure being handmaid of justice, substantial justice cannot be denied for procedural and technical violations.

7. Though counsel for the petitioner sought to contend that the order passed by the Court below is not correct and the reasons given by the respondent for not filing the documents along with the written statement cannot be accepted, I am unable to agree with the said submissions.

8. Documents relevant to a case in possession of parties sometimes do get misplaced and merely because they are sought to be produced at a later point of time after they are found, leave may not be refused to file such documents. Hence, the reason given by the respondent may have to be accepted. I therefore do not find any error of jurisdiction in the order passed by the Court warranting interference by this Court under Article 227 of the Constitution of India and this Revision fails.

9. The evidentiary value of the documents sought to be filed or their admissibility and relevancy, are matters which are to be considered at a later point of time by the Court, and it is certainly open to the petitioner to raise all such objections at the appropriate time. If such objections are raised, the Court

below shall certainly consider the same.

10. Accordingly, this Civil Revision Petition is dismissed.

There shall be no order as to costs.

11. Consequently, miscellaneous petitions pending if any, shall stand closed.

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**M.S. RAMACHANDRA RAO, J**

17<sup>th</sup> June, 2016  
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