

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.1915 OF 2016

ORDER:

This civil revision petition is filed under Article 227 of Constitution of India, against the order in I.A.No.1533 of 2015 in O.S.No.53 of 2010 passed by the XXIV Additional Chief Judge, City Civil Court at Hyderabad, whereby, the Trial Court refused to receive the documents mentioned in the list filed along with the petition under Order VIII Rule 1A(3) read with Section 151 of C.P.C.

The petitioner filed I.A.No.1533 of 2015 before the Trial Court annexing list of documents to receive them, as the documents could not be filed along with the written statement, which are relevant and crucial for adjudication of the dispute between the parties and they will be of great help in deciding the issue before the Court.

The Trial Court upon hearing argument of both the counsel dismissed the petition on the ground that the documents were not referred in the written statement while placing reliance on the judgment of this Court in **Bolla Ajay Babu v. Nalla Manikyamma**¹ the Trial Court refused to receive the documents.

¹ 2010 (1) ALD 163

- 2 -

Aggrieved by the order passed by the Trial Court, the present revision petition is filed raising a contention that the order passed by the Trial Court is erroneous and the documents relate to incidental pleadings and absence of reference in the written statement is not a ground to reject and the Trial Court should have received the documents and merely because there is no reference in the written statement, they cannot be rejected at this stage and that the admissibility of the documents cannot be decided in a petition filed under Order VIII Rule 1A(3) read with Section 151 of C.P.C.

During hearing Sri P. Chidambaram, learned counsel for the revision petitioner reiterated the grounds urged in the revision petition and prayed to set-aside the order directing the Trial Court to receive the documents set out in the list on his behalf, whereas, the learned counsel for the respondent supported the order passed by the Trial Court in all respects.

The only ground on which the Trial Court dismissed the petition is that the list of documents were not referred in the written statement filed by the petitioner before the Trial Court. The documents said to have been in the list are the tax receipts issued by the G.H.M.C, water consumption bills issued by the H.M.W.S. & S.B, proceedings issued by the District Educational Officer, but, the information collected under the Right to Information Act are relevant to decide the dispute is the only ground urged in the

- 3 -

petition while seeking relief under Order VIII Rule 1A(3) read with Section 151 of C.P.C, and documents are crucial and important documents to decide the dispute. The petitioner is expected to assign a reason for his failure to file those documents along with the written statement under Order VIII Rule 1A of C.P.C. The Court can grant leave only when a reason is assigned but not based on its importance and relevance. In any view of the matter, as per the judgment reported in **Bolla Ajay Babu's** case, unless the documents are referred in the written statement and annexed a list to the written statement, they cannot be received.

Here, admittedly, no reason was assigned for receiving the documents, while contending that they are important documents to decide a case and there was even slightly no reference about these documents which were sought to be received by the Trial Court in the written statement, as required under law.

In such a case, the order passed by the Trial Court cannot be found fault and on the other hand, the Trial Court followed the principle laid down by this Court which is binding precedent on it. Therefore, I find no ground to interfere with the order passed by the Trial Court, exercising power under Article 227 of the Constitution of India and consequently, the petition is liable to be dismissed.

- 4 -

At this stage, learned counsel for the revision petition sought permission to file fresh application, but such permission cannot be granted. However, the revision petitioner is permitted to file a petition, if law permits.

With the above direction, the revision petition is dismissed.

Consequently, miscellaneous applications pending if any shall also stand dismissed. No costs.

M. SATYANARAYANA MURTHY, J

Date:30.08.2016

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