

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

CIVIL REVISION PETITION No.2700 of 2016

ORDER:

This revision is preferred questioning order dated 30.11.2015 in I.A.No.149 of 2015 in O.S.No.347 of 2010 passed by the Additional Senior Civil Judge, Kadapa. The revision petitioner is plaintiff in the above referred suit and respondent herein i.e., defendant filed the said I.A. to receive document dated 31.03.2004 by condoning the delay.

2. In the affidavit filed in support of the petition, the defendant stated that he entrusted the records to his Advocate for filing written statement and due to lack of knowledge, he could not notice whether this document is filed or not along with the written statement on his behalf and there are no wilful laches on his part in not filing the document and prayed for condonation of delay in filing the document. The appellant/revision petitioner herein filed counter contending that the document cannot be admitted as it is not a registered document therefore cannot be looked into. That is the only objection raised in the counter and it is not even a counter affidavit or a verified counter, it is only a counter filed on behalf of party by the Advocate. When the defendant by way of affidavit stated some reason explaining the delay in filing the document along with the written statement that reason was not at all disputed by the plaintiff. Now the Court below considered these aspects and allowed the application and condoned delay in filing the document. Questioning the same, present revision is preferred.

3. Advocate for the petitioner submits that the impugned order is not a speaking order and no valid reasons are given. He further submits that the respondent herein filed document, dated 31.03.2004, after lapse of six years only to escape his liability. He further submits that the document is compulsorily registrable as per Section 17 of the

Registration Act, 1908 and it cannot be looked into.

4. I have perused the impugned order and the other material papers filed along with the revision.

5. The issue before the trial Court is only to examine whether the delay is properly explained or not. The relevancy and admissibility of the document will only be decided at the stage of tendering the document into evidence. That stage has not reached and the entire objection of the plaintiff is only with regard to admissibility of the document. Though the revision petitioner contended that the Court below has not passed a speaking order, the same is not correct. The Court below has passed a detailed order and considered the affidavit of the defendant, which remained unchallenged. I do not find any jurisdictional error or illegality in the impugned order dated 30.11.2015 and the objection of the plaintiff with regard to admissibility of the document is a matter to be considered at the time of admitting the document in evidence.

6. For these reasons, I am of the view that there are absolutely no grounds to interfere with the order, dated 30.11.2015 and the revision is devoid of merit and is accordingly, dismissed at the stage of admission giving liberty to the revision petitioner to raise the objection with regard to admissibility of the document at appropriate time and the lower Court shall consider the objection in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

S. RAVI KUMAR, J

JUNE 16, 2016
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Date: 16.06.2016

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