

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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Civil Revision Petition No.6389 of 2012

ORDER:

This revision under Article 227 of the Constitution of India by the unsuccessful 1st defendant is directed against the order dated 19.11.2012 of the learned Junior Civil Judge, Warangal passed in I.A.No.4230 of 2008 in I.A.No.911 of 2012 in O.S.no.1401 of 2014 filed by the plaintiff under Order VII Rule 14 (3) read with Section 151 of the Code of Civil Procedure, 1908.

2. I have heard the submissions of the learned counsel for the revision petitioner/1st defendant ('the 1st defendant', for brevity) and the learned counsel for the 1st respondent/plaintiff ('the plaintiff', for brevity). I have perused the material record.

3. The facts necessary to be stated as a prelude to this order, in brief, are as follows: In a suit for perpetual injunction, the plaintiff having obtained copies of certain documents from the Municipality had filed the aforementioned application for receiving on file the following documents after condoning the delay in filing the same. (i) The letter of the Municipality addressed to the plaintiff; (ii) The copy of a complaint given by the people of the Colony of Vikas Nagar; (iii) The certified copy of the written statement filed by the Municipality in the suit OS No. 1361 of 2004; (iv) The copy of the Tippon; and, (v) The copy of the Tounch Map. In the affidavit filed in support of the said petition, the plaintiff had pleaded that the said documents are necessary and relevant in order to show that the application of the Colony people was rejected and that land acquisition proceedings are not taken and that the Colony people had constructed houses on unauthorized plot and that the defendants have no concern and that the plaintiff has got the documents recently after taking the necessary information from the Municipality and that the delay in filling the documents had occasioned for the above said reason and that the plaintiff suffers loss, if the documents are not received on file by condoning the delay.

4. The 1st defendant resisted the said application stating that the petition is filed at the stage of arguments and that the reasons explained do not entitle to seek permission and that prejudice would be caused if the documents are received at the belated stage.

5. The Court below allowed the application of the plaintiff and received the documents on file. Therefore, the 1st defendant had filed this revision.

6. The learned counsel for the 1st defendant while reiterating the case of the 1st defendant had stated that the documents are post suit documents and that they are not necessary for determination of the issues involved in the suit for perpetual injunction as the plaintiff has to establish possession over the suit property as on the date of the suit. *Per contra*, the learned counsel for the plaintiff while reiterating the case of the plaintiff and while supporting the order of the Court below had contended that the plaintiff has obtained the documents recently after taking the necessary information from the Municipality and that the delay in filling the documents had occasioned for the above said reason and that the Written Statement is filed by the Municipality in a recent suit of the year 2014 and the documents obtained from the Municipality are not self serving documents and that in any view of the matter the probative value of the documents cannot be considered at this stage while considering the request for granting leave for filing the documents.

7. I have gone through the order of the Court below and I have given earnest consideration to the facts and the submissions. Admittedly, the documents are of the period subsequent to the suit and are obtained from the Municipality, a public body. The documents came into possession of the plaintiff after the suit. As the plaintiff intended to rely upon the same to substantiate his case, the trial Court, having regard to the facts and circumstances of the case, had observed in its orders that denial of the request results in miscarriage of justice; and, had accordingly accorded permission and received the documents on file. When the court below had exercised the discretion judiciously and had allowed the petition by recording valid reasons, this Court while exercising the Revisional

jurisdiction will generally not interfere with such discretion. Having regard to the facts of the case and aforesaid reasons, this Court finds that the 1st defendant could not make out any reasons much less valid reasons warranting interference with the order of the Court below.

8. Viewed thus, this Court finds that the order impugned does not brook interference.

9. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

13th June 2016
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