

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.4041 of 2016

ORDER:

Heard the learned counsel for the petitioner and Sri P.Ravi Shankar, learned counsel for the respondent.

2. Petitioner is assailing the order dt.06-06-2016 in I.A.No.297 of 2012 in O.S.No.128 of 2010 of the Junior Civil Judge, Chintalapudi in permitting the respondent/plaintiff to file a document dt.09-06-2007 invoking Order VII Rule 14 CPC during the course of evidence of P.W.1.

3. Learned counsel for the petitioner contends that the document which the respondent wanted to be received in evidence i.e. letter dt.09-06-2007 was not adverted in the plaint or in the chief examination affidavit and that no valid reason is given for not filing the said document along with the plaint.

4. In the affidavit filed in support of the I.A.No.297 of 2012, respondent merely mentioned that the documents sought to be filed by him were day books and ledgers and since they were required for his day to day business, he could not file the same earlier.

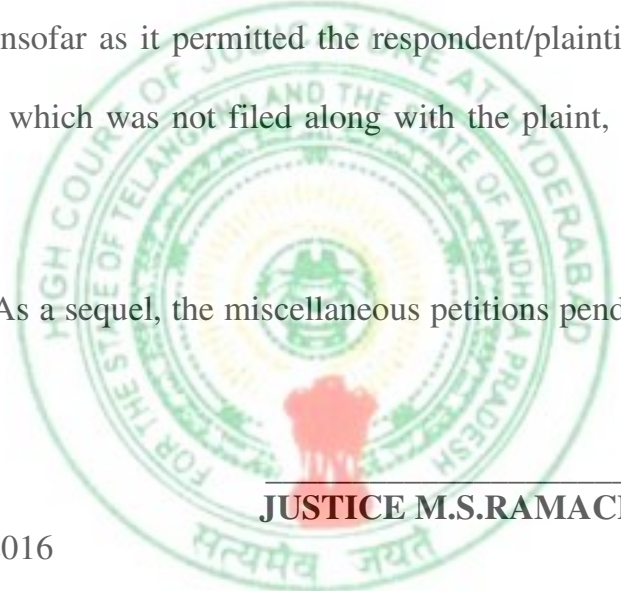
5. There is no reference in the affidavit filed in support of the I.A.No.297 of 2012 to the document dt.09-06-2007 at all. It is clearly not part of the day book and ledgers and there was no impediment for the respondent to file it along with the plaint.

6. Since the suit is of the year 2010, without giving any valid reason why this particular document was not filed along with the plaint, he

cannot seek to submit the same in evidence by invoking Order VII Rule 14 CPC. Without applying its mind to the language in Order VII Rule 14 CPC and the case law which requires that the plaintiff, who did not file a particular document along with the plaint, to furnish reasons why he did not do so if he wants it to be received at a later point of time, the Court below has allowed I.A. as far as this document is concerned.

7. Therefore, the order of the lower Court cannot be sustained. This Revision Petition is accordingly allowed and the Order dt.06-06-2016 in I.A.No.297 of 2012 in O.S.No.128 of 2010 of the Junior Civil Judge, Chintalapudi insofar as it permitted the respondent/plaintiff to file a letter dt.09-06-2007 which was not filed along with the plaint, is set aside. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 04-11-2016

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