

THE HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.4790 OF 2016

ORDER:

The 1st respondent in E.O.P.No.1 of 2013 is the revision petitioner herein.

The revision petitioner filed I.A.No.370 of 2016 under Order VIII Rule 1(A) CPC seeking leave of the Court to condone the delay in filing documents and bring the following documents on record:

- “1. Ration card issued by MRO, Pamulapadu dated 21.2.2006.
2. Concession certificate issued by the Govt.of A.P dated 15.5.2005.
3. Record sheet issued by the H.M, M.P. Ele. School, B.C.Colony, Iskala Village.
4. Study certificate issued by the H.M, M.P. Ele. School, B.C.Colony, Iskala Village”.

The affidavit filed by the revision petitioner, as is rightly pointed by the Court below and also the learned counsel for the respondent, suffers from too much of brevity and hardly states any reason whatsoever for the delay in filing the documents along with counter in the election petition on 10.04.2014. The affidavit merely refers to “*I received the summons recently and so delay occurred*”.

Normally the Courts consider the prayers particularly made under Rule 1(A) of Order VIII in a pragmatic view to further the adjudication of an issue pending before it. Keeping in view the requirement of clause (3) of Order VIII Rule 1(A), this Court is of the view that the party seeking leave of the Court cannot expect the Court to presume everything in favour of such party, exercise

discretion and grant leave to condone the delay and receive documents. The trial Court through the order impugned in the revision has considered the insufficiency of allegations in the affidavit filed in I.A.No.370 of 2016 and also other relevant circumstances and rightly rejected the prayer.

After carefully perusing the order impugned in the revision, I am not persuaded to interfere with the order under revision. The discretion is rightly exercised by the trial Court.

The imposition of costs of Rs.3,000/- by the trial Court, while dismissing the application, is set aside.

The revision is ordered accordingly. There shall be no order as to costs.

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



S.V.BHATT, J

Date:18.10.2016

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