

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

CRP.No.2976 of 2013

and

M.P.No.1 of 2013

Annamalai

.. Petitioner

Vs.

Arunagiri

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 11.01.2013 in I.A.No.309 of 2012 in O.S.No.504 of 2004 on the file of the Principal District Munsif-cum-Judicial Magistrate, Chengam, Thiruvannamalai District.

For Petitioner : Mr.G.Rajan

For Respondent : Mr.V.Raghavachari

O R D E R

The defendant is the Revision Petitioner challenging the order passed against him made in I.A.No.309 of 2012 in O.S.No.504 of 2004 dated 11.01.2013 filed by the respondent / plaintiff to receive the additional documents under Order 7, Rule 14(3) of CPC by the Learned Principal District Munsif cum Judicial Magistrate, Chengam.

2.The short facts of the case runs follows that the respondent herein filed the above suit against the revision petitioner before the learned Principal District Munsif, Chengam for declaration and permanent injunction. The said suit is found keenly contested by the defendant.

3.When the above suit was posted for DW-1 cross, the respondent herein/plaintiff took out an application in I.A.No.309 of 2012 under Order 7, Rule 14(3) r/w 151 of CPC seeking to receive certain documents by condoning the delay incurred in filing the documents.

4.It is the contention of the respondent herein that the documents sought to be received is obtained recently from the Co-operative Agricultural Bank, Chengam. The said documents would clingingly establish the case of the plaintiff.

5.The said application was strongly opposed by the revision petitioner/defendant that the plaintiff has not averred the nature and relevancy of documents sought to be received.

6.It is his further contention that the suit is of the year of 2004 and the written statement and additional written statement were filed way back in the year 2007 itself, but the present application is filed nearly after 8 years from the date of filing the suit shows the malafide intension of the plaintiff to delay the disposal of suit. More so it is his argument that the plaintiff has not given any explanation for the delay in filing the application to receive the additional documents.

7.The Learned Trial Judge upon considering arguments, allowed the above said application with cost of Rs.250/- which is being challenging in this Civil Revision Petition.

8.I heard Mr.G.Rajan, learned counsel for the petitioner and Mr.V.Raghavachari, learned counsel for the respondent and perused the entire materials available on record.

9.Now it would appropriate to extract Order 7, Rule 14(3) of CPC hereunder:

Order 7, Rule 14: Production of document on which plaintiff sues or relies

1)

2)

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit."

10.Thus the above provision enable the parties that the documents which are not produced along with plaint, would be entrained with the leave of the Court at the time of hearing of the suit i.e., at the trial of the suit.

11.Therefore, the Order of the Trial Court in concluding to receive the above documents does not suffer infirmity or irregularity. It is found correct and do not warrant interference by this Court.

12.Thus it is an enabling provision to provide plaintiff with an opportunity who was not in a position to furnish documents at the time of institution of the suit, however making clear that the same cannot be permitted without the Leave of the Court. Here in the case on hand, the Trial Court exercising its discretionary power to had chosen to receive the documents filed by the plaintiff/ respondent.

13.It is needless to say that mere receiving of documents will not entitle the plaintiff to mark the same. It is always open to the defendant to raise his valid objection if the same is not in accordance with law.

14.In view of the discussion made above, I do not find any merits in this Civil Revision Petition and the same is liable to be dismissed, accordingly it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vs

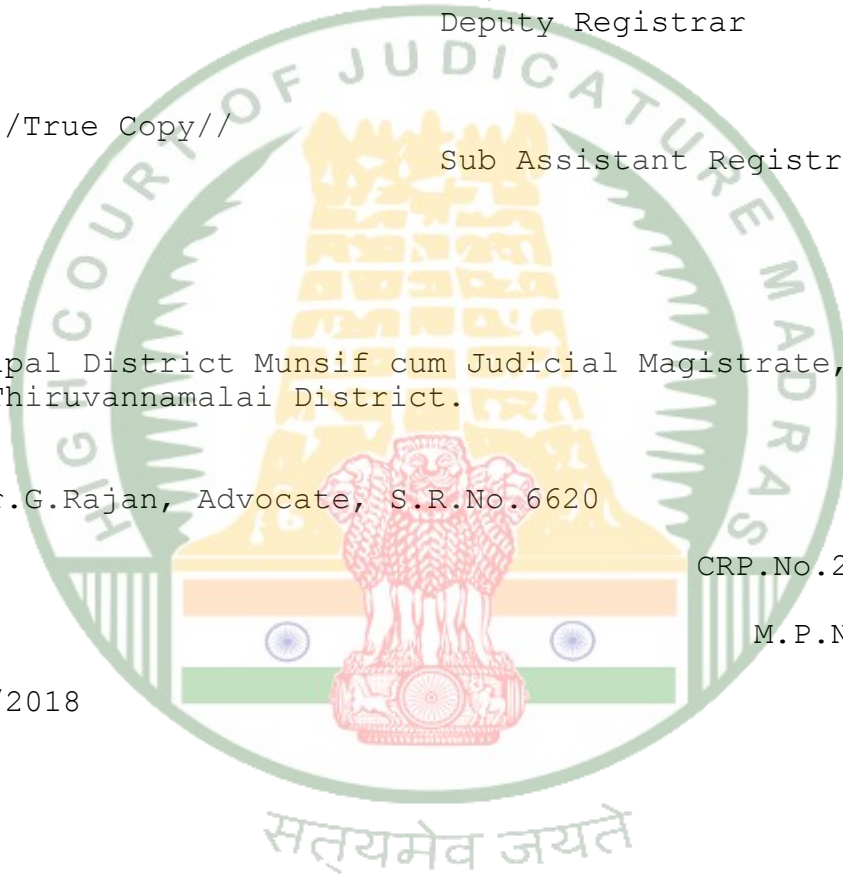
To

The Principal District Munsif cum Judicial Magistrate,
Chengam, Thiruvannamalai District.

+1cc to Mr.G.Rajan, Advocate, S.R.No.6620

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rrs 05/12/2018



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