

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No.4338 of 2017

ORDER:

Assailing the order dated 09.08.2017 passed in I.A.No.1038 of 2017 in O.S.No.107 of 2007 by the III Additional District Judge, Tirupathi, Chittoor District, wherein the application filed by the petitioner/defendant to receive documentary evidence was rejected, the present civil revision petition came to be filed.

2. The suit in O.S.No.107 of 2007 was filed by the respondent/plaintiff to show that the property in dispute was purchased by him from his own sources. The same was disputed by the defendants stating that it was they who purchased the property. In the said case, issues were framed and cross examination of DW1 commenced on 04.04.2013. At the fag end of the trial, the present application is filed requesting the Court to receive 40 documents. A counter came to be filed opposing the same. After considering the matter, the trial Court rejected the application on the ground that no reasons have been given as to how these documents are essential for deciding the issue. Hence the present revision.

3. The affidavit filed in support of the application does not anywhere indicate as to how these documents are relevant for the purpose of deciding the issue. It would be relevant to extract relevant portion of the affidavit filed by the first defendant in the application, which reads as under:

“I submit that the plaintiff filed the above suit against us with false and untenable allegations stating that the sale deed dated 31.07.2006 was a nominal sale deed made in my name and my wife’s name with the misappropriated money of the plaintiff. We filed a detailed written statement and additional written statement contending that the plaint schedule property purchased by us under a registered sale deed dated 31.07.2006 with our own funds for valid sale consideration and that we are the absolute owners of the plaint schedule property and we have been in continuous possession and enjoyment over the plaint schedule property.

I submit that I am filing the copies of documents which are essential and crucial to prove our case. Hence, the delay if any in filing the documents may be condoned and the delay is neither intentional nor wanton in filing the same. Hence this petition.”

4. Reiterating the averments made in the affidavit, learned counsel for the petitioner mainly submits that these documents are very much essential to decide the issue. Hence seeks the present relief.

5. As seen from the affidavit filed in support of the revision, no reasons are forthcoming as to the relevancy or otherwise of the documents, to prove the issue namely as to whether it was the plaintiff who has purchased the property. Learned counsel for the petitioner only referred to the judgment to show that delay cannot be a ground to receive the documents. There is no dispute to the said proposition of law. But in the instant case, no explanation is forthcoming as to how the said documents are relevant. Hence, I see no ground to accept the present revision and the revision is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

Date: 11.09.2017.
vnb

C.PRAVEEN KUMAR, J

