

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.3954 of 2017

O R D E R

This civil revision petition arises out of the order dated 12.07.2017 passed by the learned XIV Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.480 of 2017 in O.S.No.539 of 2012. The said I.A. was filed by the petitioners herein, being the defendants in the suit, under Order 8 Rule 1-A(3) CPC to grant leave to them to file certain documents which had not been filed along with the written statement.

Perusal of the order under revision reflects that the Court below went into the admissibility and relevancy of the documents in question losing sight of the fact that an application under Order 8 Rule 1-A(3) CPC merely requires the Court to examine as to whether leave should be granted to a defendant to file documents which he failed to produce along with the written statement. In the course of such exercise, the Court below would only see as to whether sufficient cause/explanation is put forth by the defendant as to why he did not produce those documents at the time of filing of the written statement. At that stage, neither the admissibility nor the relevancy of the documents would be looked into.

It is no doubt true that the trial Court may be under severe pressure of work and time constraints, but that would not mean that it can over look the procedure prescribed under the Code of Civil Procedure, 1908, and jump to the next stage so as to reduce its burden.

The order under revision is therefore set aside on this short ground and the matter is remitted to the Court below for

consideration of the application in I.A.No.480 of 2017 in O.S.No.539 of 2012 on its own merits and as contemplated under Order 8 Rule1-A(3) CPC. It is made clear that this Court has not ruled either on the admissibility or on the relevancy of the documents in question and it is for the Court below to examine those issues as and when the occasion arises.

The civil revision petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:06.10.2017

PGS/GJ

SANJAY KUMAR,J

