

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.292 OF 2017

DATED:27-01-2017

Between:

Lanka Krishnamurthy
and others

... Petitioners

And

Lanka Narasimha Rao
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Sajja Srirama Suryam

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

The plaintiffs in O.S. No.150 of 2010 filed this revision petition feeling aggrieved by order dt.16.12.2016 in I.A. No.1001 of 2016 on the file of the Senior Civil Judge, Yellamanchili.

The petitioners filed the aforementioned suit for declaration of title, recovery of possession and for permanent injunction with respect to the suit schedule property. When the case was ripe for trial, the petitioners filed the aforementioned I.A. seeking permission to receive two documents. This application having been dismissed by the lower Court, the petitioners have filed this revision petition.

Under Order VII Rule 14 of the Code of Civil Procedure, 1908 (CPC), an obligation is cast on the plaintiff to produce along with the plaint, the documents in his possession, on which he sues or relies upon. Under sub-rule (2) thereof, where any such document is not in his possession or power, the plaintiff shall, wherever possible, state in whose possession or power it is. Under sub-rule (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.

A look at the affidavit in the I.A. filed by the petitioners shows that it was mentioned therein that the documents proposed to be filed were 'misaid' in the office of their Advocate, that the same could not be traced till the date of filing of the I.A. in spite of best searches and that as such they could not be filed in the Court immediately. The learned counsel for the petitioners did not dispute the fact that the proposed documents were not referred to in the plaint. The petitioners also failed to refer to the

nature of the documents and their relevancy in the affidavit filed in support of the I.A. In the aforementioned facts of the case, I do not find any jurisdictional error in the order of the lower Court in dismissing the I.A. filed by the petitioners.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.370 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

27-01-2017

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