

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVIION PETITION No. 6142 of 2016

ORDER:

Assailing the order dated 29.09.2016 passed in I.A. No.768 of 2016 in O.S. No.70 of 2006 on the file of the Principal Junior Civil Judge at Punganur, the present Civil Revision Petition is filed under Article 227 of the Constitution of India.

2) The facts, which lead to filing of the present Revision, are as under:-

The petitioner/defendant filed an application under Order VIII Rule 1 of the Code of Civil Procedure before the trial Court, to receive the documents 1 to 6 filed along with the petition, on the ground that the said documents are relevant to the suit transaction. In the affidavit filed along with the petition, the petitioner/defendant stated that he had money dealings with the respondent from the year 1990 and he was indebted to an extent of Rs.20,000/- to the respondent as on 17.04.2009. It is stated that the plaintiff has also sent a letter dated 16.06.1999 demanding him to discharge the balance debt. The said letter was written by the respondent himself and showed the balance due as Rs.22,804/-. It is stated that subsequently, the petitioner paid Rs.20,000/-, as full and final settlement and got endorsed the same. He further stated that he had obtained loan by keeping the suit property as security in Indian

Bank, Punganur and the respondent stood as a guarantor to the said loan. Subsequently, the Bank returned the relevant papers to the petitioner and the said documents are essential to prove his defence and to show that the claim of the plaintiff is false. Hence, the petition filed to receive the documents.

3) A counter came to be filed by the respondent/plaintiff denying the petition averments and contended that though the petitioner denied the execution of agreement of sale, the N.J. stamps for the said execution were purchased by the petitioner in his name. It is contended that some of the documents filed by the petitioner along with the petition relate to preparation of gold jewels, but not money transactions between the petitioner and respondent and the slips filed by the petitioner contain some addings by the petitioner. He further stated that the documents are concerned with the Bank transactions but not related to the suit transaction and prays to dismiss the petition. After considering the material placed before the court, the Principal Junior Civil Judge, Punganur dismissed the petition. Challenging the same, the present Civil Revision Petition came to be filed.

4) At the time when the matter is taken up before this Court, the learned counsel for the petitioner submits that since the case is still at the stage of examination of P.W.1, no prejudice would be caused if the said documents are brought on record. The same is

strongly disputed by the learned counsel for the respondent stating that arguments in the said suit are over and the case reserved for Judgment, on 02.03.2017.

5) On a perusal of all the documents, the learned Principal Junior Civil Judge, Punganur found that the said documents are noway related to the suit transaction and dismissed the petition. It is nodoubt true that relevancy or otherwise of these documents cannot be gone into during pretrial stage, but at the same, it is to be noted that the arguments in the said case are also over and the case is reserved for judgment.

6) As seen from the material placed before this Court, the trial in the said suit commenced on 06.05.2015 and the same was completed on 30.01.2017. Later the said case was being posted for further evidence from 03.02.2017 to 23.02.2017. On 27.02.2017 the suit was posted for arguments and after hearing the arguments on 02.03.2017, the suit was reserved for judgment. Further, no reasons are forthcoming as to why the petitioner kept quiet for such a long time though these documents are with him from the date of the commencement of the trial. As such, the finding of the trial court cannot be found fault with. Hence, I find no merits to allow the C.R.P. and the same is liable to be dismissed.

7) Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions pending if any in this C.R.P. shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:16.03.2017
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