

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

* * * *

CRP No.2259 of 2017

Between:

Mamidi Rajamani

...Petitioner

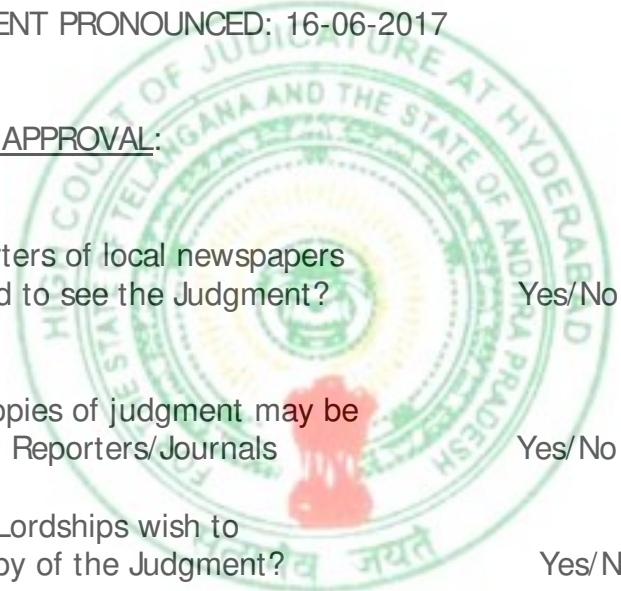
AND

Panjala Prameela & others

...Respondents

DATE OF JUDGMENT PRONOUNCED: 16-06-2017

SUBMITTED FOR APPROVAL:

- 
1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes/No
 2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
 3. Whether Your Lordships wish to see the fair copy of the Judgment? Yes/No

A. RAJASHEKER REDDY, J

*THE HON' BLE SRI JUSTICE A. RAJASHEKER REDDY

+CRP No.2259 of 2017

%16-06-2017

Mamidi Rajamani

...Petitioner

VERSUS

\$ Panjala Prameela & others

...Respondents

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> HEAD NOTE:

! Counsel for Petitioner: Sri K. Venumadhav

^Counsel for Respondents: Sri P. Sajan Kumar for R-1

? Cases referred

1. 2003 (1) ALD 790 AIR 2016 SC 1304
2. 2003 (2) ALD 558
3. 2009 LAW SUIT (AP) 664



THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**CRP No.2259 of 2017**

ORDER:

This civil revision petition is filed against the docket order dated 23-03-2017 passed in IA No.229 of 2017 in OP No.7 of 2013 by the Principal Junior Civil Judge at Karimnagar, allowing the said interlocutory application filed under Order 7, Rule 14 (c) CPC by the 1st respondent to receive the documents 1 and 2 on record.

2. Revision petitioner is the 1st respondent in OP No.7 of 2013. Petitioner in the said OP is the 1st respondent herein, sought to declare the election of revision petitioner as Sarpanch of Ramadugu Village and Mandal, Karimnagar District, as null and void and to set aside the same and consequently declare her as duly elected Sarpanch of the said village. The ground on which the election of the revision petitioner sought to be set aside is that she is having three children, which according to the 1st respondent, is a disqualification to be elected to the post of Sarpanch.

3. The documents 1 and 2 which are sought to be filed, are documents showing the birth particulars of the 3rd child, which the learned counsel for the revision petitioner disputes and contend that there was no mention of those documents, muchless there existence was mentioned in the election OP and therefore, at this stage, when the OP is at the trial stage, ought not to have been taken on record by the trial Court.

4. On the other hand, learned counsel for the 1st respondent contended that sub-Rule (3) of Rule 14, Order 7 CPC permits filing of documents though not filed along with the plaint, with the leave of the Court. It is also contended that in the OP, there is a pleading that revision petitioner is blessed with three children, but gave a false affidavit that she has only two children and the documents filed are only to substantiate that pleading and, therefore, the order impugned is to be sustained and does not warrant any interference.

5. Admittedly, the OP is filed on the thrust of the revision petitioner having three children and according to the 1st respondent-election petitioner that itself is a disqualification to hold the post of Sarpanch. A perusal of the plaint of the OP, it is clear that the 1st respondent has pleaded that the revision petitioner has three children and she has filed a false affidavit that she is having only two children. The documents which will substantiate the case of the 1st respondent, were required to be filed along with the plaint, but can be filed with the leave of the Court, on being shown plausible reason. The reason stated for not filing those documents along with the plaint is stated that her counsel mistakenly and due to over sight, could not file along with the plaint. The trial Court allowed the application and that order being a discretionary order, cannot be interfered with unless such exercise of discretion is based on perversity and undermines the cause of justice.

6. After introduction of sub-Rule (3) of Rule 14, Order 7 CPC, by Amendment Act 22 of 2002, it is permissible, for valid reasons shown, that if

any document which ought to have been produced by the petitioner at the time of presentation of the plaint, it can be received subsequently, with the leave of the Court. The decisions of this Court in BADA BODIAH vs. BADA LIGNASWAMY¹ & CABLE CORPORATION OF INDIA LIMITED vs. SANGHI INDUSTRIES LIMITED,² relied on by the learned counsel for the 1st respondent also lays down the same proposition. The decision of this Court relied on by the learned counsel for the petitioner in BOIIA AJAY BABU vs. NALLA MANIKYAMMA³ is a case where it is observed that there was no pleading in the plaint vis-à-vis the documents sought to be filed and under those circumstances, in the absence of such a reference, refusing to grant leave by the trial Court was affirmed by this Court. The facts in the case on hand are distinguishable and in this case there is a pleading that the petitioner has three children and she has filed a false affidavit that she is blessed with only two children. The documents sought filed, with the leave of the Court, are in furtherance of that pleading and to substantiate the case of the election petitioner-1st respondent.

7. On the above analysis, I do not see any valid reasons to interfere with the impugned order passed by the trial Court and the civil revision petition is accordingly dismissed. It is needless to mention that the admissibility, relevancy or otherwise of the documents filed can be considered by the trial

¹ 2003 (1) ALD 790

² 2003 (2) ALD 558

³ 2009 LAW SUIT (AP) 664

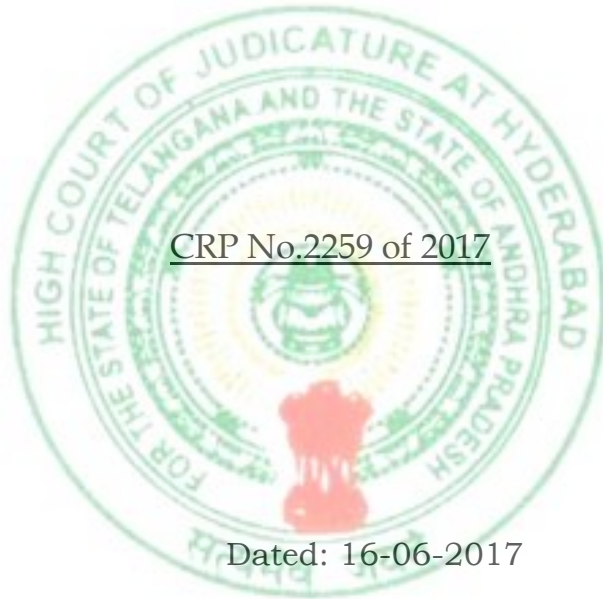
Court during the course of trial of the case. Miscellaneous petitions, if any pending in this case are also dismissed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 16-06-2017
NRG



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



CRP No.2259 of 2017

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Dated: 16-06-2017

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