

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition No.6325 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, by the revision petitioners-plaintiffs is directed against the order, dated 15.12.2016, of the learned Principal Junior Civil Judge, Mancherial, passed in IA.No.684 of 2016 in OS.No.439 of 2005 filed by the defendant requesting to grant leave to file the petition listed documents.

2. I have heard the submissions of Sri G. Sundaresan, learned counsel for the petitioners-plaintiffs, and of Sri V. Raghu, learned counsel for the respondent-defendant. I have perused the material record.

3. The case of the defendant in support of the request to receive the documents on file after granting necessary leave is as follows:

The suit is brought for a perpetual injunction in respect of the land which is situate at Kyathanpalli village of Mandamarri Mandal morefully described in the schedule annexed to the plaint. The defendant filed his documents along with the written statement. Later, on 26.08.2010, the suit was dismissed for default. Therefore, the defendant has taken return of the documents which are filed with the written statement. Later, when the suit is restored to file, the defendant filed the present application to receive the said documents which were earlier filed into Court and taken return and also the subsequent documents which the defendant has recently obtained from the concerned public authorities, *inter alia*, contending that if the documents are not received on file the defendant would be put to irreparable loss and hardship. The plaintiffs resisted the said application contending, *inter alia*, that the documents are false, baseless and fabricated and such bogus and false documents do not pertain to the suit schedule land and hence, the petition is liable to be dismissed and that if the petition is allowed prejudice would be

caused to the plaintiffs. By the order impugned in this revision, the trial Court allowed the petition. Aggrieved thereof, the plaintiffs are before this Court.

4. Learned counsel for the plaintiffs would submit that in the order impugned the trial Court assigned only one reason that if the documents are received on file no prejudice would be caused to the plaintiffs and that in the affidavit filed in support of the petition no reasons much less valid reasons are assigned and, therefore, the revision may be allowed and the order impugned may be set aside giving liberty to the defendant to file a fresh application assigning valid reasons for receiving the documents.

5. Learned counsel for the defendant while supporting the orders of the trial Court and while reiterating the pleaded case of the defendant, which is already stated supra, brings to the notice of the Court that about 15 documents are filed earlier along with the written statement and that on the dismissal of the suit the same were taken return and that the said documents and the subsequently obtained documents of the subsequent years which are all public documents are filed with the petition seeking leave and that valid reasons are assigned in the affidavit filed in support of the petition for granting leave and that the order of the trial Court is sustainable under facts and in law.

6. I have bestowed my attention to the facts and submissions. It is rightly urged by the learned counsel for the defendant and it is also undisputed that more than half number of the documents which are now being sought to be filed by the defendant were earlier filed before the trial Court along with the written statement and that on the dismissal of the suit of the plaintiffs they were taken return and are now being filed along with the petition to grant leave in view of the restoration of the suit of the plaintiffs. In that view of the matter, the plaintiffs cannot have any objection much less a valid objection for granting leave to receive the said documents. The other documents are subsequent to the said events and are all public documents obtained from

public authorities, being pahanies of various years right from the year 2005-06 onwards till the year 2013-14. The defendants in the considered view of this Court gave an explanation that the documents are subsequently obtained being of the subsequent years and they are now being filed along with the petition. In the considered view of this Court, the said explanation offered is sufficient to grant leave more particularly in the light of the fact that the documents are public documents. The contentions as to whether the documents are genuine or bogus or fraudulent cannot be gone into at the stage of considering a request for granting leave to receive documents, as the law is well settled that the documents filed along with a petition to receive documents will always be received on file subject to proof, admissibility and relevancy and the weight to be attached to them and the evidentiary value of the documents will have to be considered at an appropriate later stage when the issues settled for trial in the suit come to be decided on merits.

7. On the above analysis, this Court finds that there is no merit in the revision and the revision is liable to be dismissed.

8. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending if any shall stand closed.

JUSTICE M. SEETHARAMA MURTI

21.08.2017
Vjl