

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.4451 of 2017

ORDER:

By the order under revision passed in I.A.No.1188 of 2017 in O.S.No.18 of 2005, the learned Principal District Judge, Ranga Reddy District at L.B.Nagar, disallowed the plea of the petitioners herein, the defendants in the said suit, to receive certain documents which they failed to file along with the written statement, by exercising power under Order 8 Rule 1-A(3) CPC.

Heard Ms.Preeti Pawar, learned counsel for the petitioners/defendants, and Mr.G.Rajesham, learned counsel for the respondent/plaintiff.

Perusal of the affidavit filed in support of the subject I.A. reflects that the petitioners/defendants claimed that the documents in question were misplaced and could be traced out when the second defendant was searching for some other files.

The respondent/plaintiff opposed the I.A. by stating that no valid and cogent reasons for the delay in producing the documents were put forth by the petitioners/defendants.

It is well settled that while adjudicating an application under Order 8 Rule 1-A(3) CPC, the trial Court would only look into the question as to whether leave should be granted to the defendant to produce a document which he failed to file along with the written statement. In the course of that exercise, the trial Court would only examine as to whether sufficient cause has been made out by such defendant for his failure to do so. The relevancy or admissibility of the documents in question would not arise for consideration at that stage. Time constraints and work pressure notwithstanding,

the trial Court cannot jump to the next stage while considering such an application by ignoring the procedure prescribed under the Code of Civil procedure, 1908.

In the present case, the trial Court lost sight of this aspect and rejected the application by considering the merits of the documents sought to be produced by the petitioners/defendants. However, as it is brought to the notice of this Court that the suit, O.S.No.18 of 2005, is an identified case, this Court is not inclined to set aside the order under revision and remand the matter.

Perusal of the record reflects that one of the documents sought to be produced by the petitioners/defendants was already marked as Ex.A1 in the suit while the other document, being a letter addressed by the Manager, UCO Bank, admittedly does not serve the purpose that it is sought to be marked for i.e., to prove that the account in question was a joint account. This being the situation, this Court is not inclined to interfere with the order under revision.

The civil revision petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

Date:06.10.2017

PGS/GJ