

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 3567 OF 2017

ORDER:

This Civil Revision Petition is filed against the order, dated 22.06.2017, passed by the Senior Civil Judge, Hindupur, dismissing I.A.No.201 of 2017 in O.S.No.1 of 2012, filed by the petitioners for receiving the documents.

In the affidavit filed in support of I.A.No.201 of 2017, the petitioners-defendants state that the documents could not be filed along with the written statement as they are not available and they obtained the documents belatedly.

Though the learned counsel for the petitioners fairly submits that the reasons stated by the petitioners are scanty, he contends that the suit filed by the respondents-plaintiffs is the one for declaration of title and recovery of possession; that the petitioners are agriculturists, they are not familiar with the procedure and they were not advised properly and that the documents sought to be filed are necessary for adjudication of the suit. Therefore, he prays to allow the Civil Revision Petition.

Learned counsel for the respondents, on the other hand, vehemently opposes the Civil Revision Petition and submits that it is mandatory that proper reasons have to be stated and the Court has to be satisfied with the same and that in the present case, it is admitted by the petitioners that there is hardly any reason for not filing the documents along with the written statement or at least within reasonable time. He further contends that the suit is at the

stage of defendants' evidence and to drag on the proceedings in the suit, the present I.A. is filed. He prays for dismissal of the Civil Revision Petition.

Having considered the respective submissions and considering the fact that the petitioners are agriculturists and during 2012-15, virtually no proceedings have taken place before the Courts in Andhra Pradesh on account of separate State agitation, interests of justice would be served by putting the petitioners on terms, as this Court is of the *prima facie* opinion that the documents sought to be filed by the petitioners are essential to prove their case.

Accordingly, the Civil Revision Petition is allowed, the order under revision is set aside and I.A.No.201 of 2017 is allowed subject to the condition of the petitioners paying costs of Rs.10,000/- (Rupees ten thousand only) to the respondents-plaintiffs, within a period of ten days from today. The petitioners shall proceed with the evidence without undue delay.

Consequently, miscellaneous applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

Dt:22.12.2017

Note: Issue cc in four days.

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