

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.5176 of 2017

ORDER:

Heard the learned counsel for the petitioner.

2. Aggrieved by the order dt.24-08-2017 in I.A.No.330 of 2017 in O.S.No.66 of 2012 of the X Additional District Judge, Narsapur, refusing to grant leave to the petitioner to file a Compact Disk containing the statement of account relating to the suit transaction generated from the computer being maintained by him allegedly in the regular course of business and in refusing to receive the same, this Revision Petition is filed.

3. The suit was filed for recovery of amount by the petitioner against the respondent on the basis of an account said to have been maintained by him. According to the learned counsel for the petitioner, print out from the Compact Disk, which is now sought to be filed, is already filed. However, the reason given by the petitioner in the affidavit filed in I.A.No.330 of 2017 for not filing the Compact Disk itself along with the plaint, is that the petitioner forgot to do so at that time.

4. In the counter filed by the respondent, it is specifically pointed out that forgetfulness is not a reason on the basis of which leave can be granted under Order VII Rule 14 (3) CPC and that when there is not even mention of Compact disk in the plaint, the said Compact Disk ought not to be received.

5. The Court below on 24-08-2017 dismissed the said I.A. filed by the petitioner stating that under Order VII Rule 14 CPC, all documents ought to have been filed by the petitioner along with the plaint. If there are no convincing reasons, the Court cannot permit him to file documents at later stage. Additional reason given by the Court below was that another I.A.No.228 of 2017 to receive 27 documents was also filed by petitioner and when that is being taken up, I.A.No.330 of 2017 was filed.

6. Though the learned counsel for the petitioner sought to contend that the statement of account, which was print out from the same computer Compact Dist, had already been filed, and no prejudice would be caused to the other side, if the Compact Dist itself is now received in evidence.

7. Having regard to Order 7 Rule 14 (3) CPC, it has to be held that and grant of leave to file documents at a later stage, when they were not filed along with the plaint by a plaintiff, is not automatic and as of right. Sufficient cause ought to be shown for not filing the document earlier. Forgetfulness of party cannot be such a ground since the party who is filing the suit for money on the basis of an account should be aware that such a Compact Disk, where in the accounts are alleged to have been maintained, would be a very vital piece of evidence.

8. I therefore see no reason to interfere with the order passed by the Court below refusing to receive the Compact Disk in question.

9. Accordingly, the Civil Revision Petition is dismissed.
No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-10-2017
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