

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.5450 OF 2017

ORDER:

Vide the present petition, the petitioner has assailed the order dated 22.09.2017 passed in I.A.No.458 of 2017 in O.S.No.423 of 2015 on the file of Principal Junior Civil Judge at Tenali, Guntur District, whereby the petition filed by the petitioner has been dismissed.

2. Vide the aforesaid I.A., the petitioner/defendant filed a petition before the Principal Junior Civil Judge, Tenali, under Order VIII Rule 1(A) and Section 151 of CPC praying the Court below to receive the documents and mark the same as exhibits on behalf of the defendant.

3. It is not in dispute that the petitioner/defendant served the documents in question to the other side on 08.09.2017 only while filing the I.A and he himself referred those documents as Ex.B1 to Ex.B7 in his affidavit even before filing the same in the Court. All these documents are apparently seems that belong to the years 1999, 1995, 1992, 1993, 1991, 1994, 2002, 1997 and 1998 respectively which are pertaining to the years prior to filing of the suit.

4. The main suit was filed before the Court below in the year 2014 and the petitioner/defendant filed written statement on 01.05.2015 without mentioning the availability

of any of these documents in his possession. In fact he did not mention any list of documents in his written statement filed by him. The entire evidence of respondent/ plaintiff was completed by 09.08.2017 itself and after waiting for one month time by taking 3 adjournments for defendant's evidence, he filed these documents. In fact there is a similar provision like Order VIII Rule 1(A) in Order VII Rule 14 also applicable to the respondent/plaintiff to file documents before the Court below along with his plaint. These provisions are introduced through the amendment Act of 2002 w.e.f. 01.07.2002 to avoid undue delay under the guise of producing the documents. The object of introducing the said amendment is that the parties shall know about the documents filed by other party along with pleadings in advance.

5. The petitioner/defendant never referred these documents from the entire evidence of respondent/plaintiff, though PWs.1 to 4 were already examined. It shows that no opportunity was given to the plaintiff to know about these documents during his evidence in respect of documents sought to be received by the petitioner/defendant through the petition filed before the trial Court.

6. In view of the facts recorded above, I find no illegality or perversity in the order passed by the trial Court.

7. Finding no merit in the instant petition and the same is accordingly dismissed.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date : 27-10-2017
Gvl

