

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.6498 OF 2017

ORDER:

Heard Mr.Hanuman Naik for petitioner.

The plaintiff in O.S. No.14 of 2011 in the Court of Senior Civil Judge, Peddapalli, is the revision petitioner. The revision petitioner filed I.A. No.752 of 2017 under Order VII Rule 14(3) of CPC to grant leave to petitioner to place on record relinquishment deeds dated 01.08.2011 and 28.10.2011. The said application was opposed by respondents herein. The trial Court through the order impugned in the C.R.P. has taken note of the following circumstances:

“I have considered the contents of the affidavit of the petitioner as well as the contents of the counter affidavit of the respondents and it is seen that the suit in this case was filed on 07.02.2011 and documents filed along with this petition are dated 01.08.2011 and 28.10.2011. These two documents are executed in the name of the petitioner himself and as rightly contended by the counsel for the respondents it is not known as to why the petitioner did not file these documents in all these years. There is no plausible and reasonable explanation as to non-filing of the documents by the petitioner which are in his possession. The only line in the affidavit stated by the petitioner is that the documents were issued subsequent to the suit and therefore, they are not filed. These documents are not issued by any authority and indeed the petitioner himself obtained these documents by getting them registered in his name. Therefore, in my opinion the petitioner has failed to explain as to why he did not file the documents much earlier than the date, on which they are filed the suit of the year 2011 has ripen for trial after six years. More than that the petitioner has not

stated as to how the documents which were executed subsequent to the filing of the suit are relevant. These documents were executed subsequent to filing of the suit and the court is bound to consider the facts as they exist on the date of filing of the suit and cannot take subsequent events into consideration unless the circumstances justifying the same. In this case on hand I do not see any such circumstances.

Further the rights were relinquished by third parties in favour of the petitioner which would not be having any bearing on the rights of the respondents. Respondents are not parties to the document. Added to it the case of the petitioner is in conflict with the contents of the documents filed by the petitioner.

and declined to exercise the jurisdiction. Further expressed its dissatisfaction about the contents of affidavit filed along with the instant application.

The learned counsel appearing for petitioner contends that the very reasons stated in the order impugned are sufficient to allow the prayer, and the receipt of these documents is not going to prejudice to case as well.

This Court has difficulty in appreciating the contentions of petitioner. The suit is of the year 2011. The application is now filed seeking leave of the Court to file documents. There may not be bar for such application at this stage of the matter. The affidavit, as noted by the trial Court, should have referred to reason which has bearing for not filing these documents at the appropriate stage, but delay etc. In the jurisdiction under Article 227 of the Constitution of India, where the discretion is exercised by the trial Court from the

material on record, no perversity is pointed out and interference is not warranted. The prayer is not made out. The revision fails and is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:24.11.2017

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