

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.1595 OF 2013

ORDER:

Heard learned counsel appearing for parties.

Plaintiffs in O.S.No.1 of 2001 in the Court of the Senior Civil Judge, Manthani are revision petitioners. The defendant filed I.A.No.46 of 2013 under Order VIII Rule 3 and Section 151 of CPC seeking permission to receive document and mark the same in the evidence of defendant.

The averments, in brief, are that the defendant's company obtained certified copy of letter dated 24.10.2005 recently from the Revenue Divisional Officer, Manthani and it is very essential document to prove its case.

The petitioners herein opposed the prayer stating that the evidence of the defendant company was closed long back i.e., on 15.04.1998 and the defendant has not filed reopening petition for adducing further evidence. Hence, the letter issued by the Revenue Divisional Officer, Manthani cannot be received and marked in evidence.

The learned trial Judge through the order impugned in the revision while allowing the prayer held as follows:-

“Upon perusing material papers available on record, the respondents filed a suit against the petitioner company. The evidence is already over, subsequently P2, P3 were impleaded as parties. The petitioner company filed additional statements. The new parties have already adduced their evidence after completion of the plaintiff No.1 evidence. The opportunity must be given to the defendant company after bringing new parties on record. The defendant company is entitled to adduce evidence as per rules. The petitioner counsel further contended that the General Manager has given authorization to

the Sr. Estates Officer and Law Officer to look after the cases as well as they are entitled to file a petition. Any employee is entitled to depose evidence on the basis of authorization given by the General Manager, who are having knowledge about the facts of the case. The petitioner filed certified copy of letter which is already secured from the Revenue Divisional Office, Manthani. The opportunity must be given to the petitioner company in order to elicit the facts of the case. The real facts came into light at the time of trial, but not at this stage.

I have perused the record. The trial Court has rightly allowed the application filed by respondent-defendant. This Court is in agreement with the reasons recorded by the trial Court. No ground warranting interference under Article 227 of the Constitution of India is made out.

The Civil Revision Petition fails and is, accordingly, dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

Date: 28-08-2018
Prv

S.V. BHATT, J

