

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.560 OF 2018

Dated:16.03.2018

Between:

Thallapally Jayapal, S/o. George,
Aged about 45 years, Occ: Business,
R/o.H.No.2-9-301, Snehanagar,
Waddepally, Hanamkonda,
Warangal

.. Petitioner

And

Muppala Ramadevi, W/o. Suresh Babu,
Aged about 41 years, Occ: Household,
R/o.Thorrur Village and Mandal,
Warangal District and others

.. Respondents



The Court made the following:

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ORDER:

Heard Sri B. Ranganath Rao, learned counsel for the petitioner, and Sri G.L. Narasimha Rao, learned counsel for the respondents.

2. Petitioner is plaintiff. He filed O.S.No.1092 of 2007 on the file of II Additional Junior Civil Judge, Warangal, to declare him as the absolute owner and possessor of the suit schedule property admeasuring 206 sq. yards in Survey Nos.121, 123 and 125 of Waddepally, Hanamkonda Mandal, Warangal District. He filed I.A.No.1081 of 2017 in the said suit to receive the documents listed out therein and to mark the same on his behalf. The said plea of the plaintiff was resisted. The trial Court noticed that the documents, which are sought to be received and marked, are all certified copies of the registered sale deeds of the years, 1986, 1989, 1997, 2003 and 2008. The trial Court noticed that there is no explanation as to why petitioner has not filed these documents when the suit was instituted and why he waited till 2017 to obtain the certified copies. The trial Court also noticed that these registered sale deeds are public documents which can be received at any time, but there was no explanation as to why they were not filed earlier. The trial Court also noticed that no reasons were assigned in support of the application to enable the Court to accept the request at this belated stage. By order dated 18.12.2017, the trial Court dismissed the said petition. Hence, this revision.

3. Learned counsel for the petitioner sought to place reliance on the decision of this Court in **V.V. Govindarajulu @ Kondababu v.**

Sakalabhaktula Vaikunta Rao¹ to contend that in similar circumstances, the decision of the trial Court in accepting the belated application to receive the documents was upheld.

4. Order VII Rule 14 (3) C.P.C. prohibits to receive filing of any document which was not presented along with the plaint. However, it vests discretion in the trial Court to receive the document in evidence even it was not presented along with the plaint and sought to be presented subsequently. Exercise of this discretion depends on the facts of the given case.

5. In the facts of this case, as noted above, I do not see any error committed by the trial Court in not accepting the plea of the petitioner. As noticed by the trial Court, all the documents are registered sale deeds and are public documents, but registered long ago. The primary grievance of the plaintiff is that illegally the 2nd defendant sold the land belonging to him to third party. Thus, the petitioner ought to have filed these documents at the initial stage itself. Hence, I see no merit in the revision and the revision is liable to be dismissed.

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

Miscellaneous Petitions, if any, filed in this Civil Revision Petition shall stand closed.

P. NAVEEN RAO, J

Date:16.03.2018

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¹ 2016 (3) ALD 45