

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

C.R.P.Nos.741 of 2018 and 742 of 2018

COMMON ORDER:

These Revisions are filed challenging the order dt.08-01-2018 in I.A.No.849 of 2017 and I.A.No.851 of 2017 in O.S.No.21 of 2011 of the IV Additional District Judge, Tirupati.

2. Petitioner in both these Revisions is plaintiff in the suit.
3. After evidence was concluded, oral arguments were addressed and written arguments were also filed and matter was reserved for judgment on 06-12-2017, petitioner filed four Interlocutory Applications i.e. (1) I.A.No.848 of 2017 to reopen the suit, (2) I.A.No.849 of 2017 under Order XVIII Rule 17 C.P.C. to recall P.W.1 for marking documents, (3) I.A.No.850 of 2017 to file fresh chief-examination affidavit with reference to the relationship of family and (4) I.A.N.851 of 2017 under Order VII Rule 14(3) C.P.C. to grant leave to file two registered sale deeds dt.11-07-1984 and 06-09-1995.
4. No reason is assigned in these affidavits as to why the documents mentioned in I.A.No.851 of 2017 could not be filed earlier along with the plaint.
5. The Court below, by common order dt.08-01-2018, dismissed I.A.No.849 of 2017 and 851 of 2017 and allowed I.A.No.848 of 2017 and I.A.No.850 of 2017 for a limited purpose with regard to chief affidavit of P.W.2. It observed that no reasonable explanation was offered by

petitioner why he could not file these documents earlier and is filing them 6 or 7 years after filing of the suit, and therefore I.A.No.849 of 2017 and I.A.No.851 of 2017 were rejected by it.

6. Assailing the same, these Revisions are filed.

7. Though learned counsel for petitioner sought to contend that grave prejudice would be caused to the petitioner if these applications are not allowed, it is settled law that under Order VII Rule 14(3) C.P.C. grant of leave to file documents which were not filed originally with plaint is not automatic; and unless reasonable cause is shown why they could not be filed earlier along with the plaint, the plaintiff cannot be permitted to file them later. As stated by me, in the affidavits filed in support of I.A.No.849 of 2017 and I.A.No.851 of 2017, no reason is assigned why these documents could not be filed earlier along with the plaint. Having been negligent at that point of time, the petitioner is not entitled to any indulgence and cannot be allowed to file these documents after arguments are concluded and judgment was reserved on 06-12-2017. I therefore see no reason to interfere with the order passed by the Court below.

8. Therefore, these Civil Revisions Petitions are accordingly dismissed at the stage of admission. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-02-2018

vsv