

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.2471 of 2012

ORDER:

The plaintiff in O.S.No.11 of 2008 is the revision petitioner. The suit is for specific performance of agreement of sale dated 03.03.2002. The revision petitioner filed I.A.No.80 of 2011 under Order 7 Rule 14(3) of CPC to receive documents enclosed to the application and mark the same as exhibits.

The 3rd respondent contested the application. The trial Court through the order impugned in the Civil Revision Petition dismissed the prayer in I.A.No.80 of 2011.

Mr.Ramesh Yadav contends that one of the purposes for introducing the documents, which are detailed in the list appended to the application, is that the vendor under an agreement of sale dated 03.03.2002 has given custody of the documents described in the petition. Therefore, though the circumstance is not very direct to the execution or enforceability of agreement of sale but for the limited purpose of establishing the continuity of negotiation, settlement and entering into agreement of sale, the said documents are necessary.

Mr.P.Sidhar Reddy contends that the learned trial Judge for valid reasons namely that xerox copies cannot and could not be received in evidence, rejected the prayer. According to him, the findings recorded by the trial Court refer to binding precedents.

Unless and until an exception is pointed out to the reasoning of the trial Court, which further attracts the jurisdiction of this Court under Article 227 of the Constitution of India, there is no ground warranting interference against the order impugned in the Civil Revision Petition.

I have taken note of the submissions of learned counsel appearing for parties and perused the record.

Let me first advert to the affidavit filed by revision petitioner in I.A.No.80 of 2011. The affidavit refers to the factum of not filing the documents along with the plaint and since they are traced now the documents are filed into the Court. However, leave as required by law is sought.

I have gone through the plaint in O.S.No.11 of 2008. This Court, keeping in view the stage at which the request of petitioner is considered, does not propose to refer to the other details in the plaint. It is suffice to notice that the filing of xerox copy of sale deed dated 19.10.1994 through I.A.No.80 of 2011 is rejected for valid and correct reasons.

I am not persuaded by the submission of Mr.Ramesh Yadav that documents can be received only for limited purpose to show that the vendor has given custody of the documents described in the petition. The documents even if introduced for any purpose would not otherwise satisfy the requirement of law.

For the above reasons, the revision fails and is accordingly dismissed. The trial court is directed to dispose of the suit as expeditiously as possible, preferably within two months from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, if any, shall stand closed.

S. V. BHATT, J

Dt: 11-09-2018
Prv

