

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4291 of 2018

Date: 03.08.2018

Between:

Smt.Rathamsetty Saradavani and another

.. Petitioner

and

Sri Rathamsetty Ravi Teja and another

.. Respondents

Counsel for the Petitioner :

Mr.T.N.M.Ranga Rao

The Court made the following:



Order :

This Civil Revision Petition (CRP) arises out of Order, dated 05.06.2018, in IA.No.135 of 2018 in OS.No.596 of 2012 on the file of the I Additional District Judge, Visakhapatnam.

Though the reasons assigned by the lower Court for dismissing the aforementioned IA do not appear to be convincing, I am, however, not inclined to interfere with the said order for the simple reason that the petitioners failed to explain any reasons for the inordinate delay caused in filing the additional documentary evidence.

In the affidavit filed in support of the IA, petitioner No.1 stated that along with the suit, she did not file the CDs proposed to be filed along with the IA proving her marriage with late Sambasiva Rao as she did not expect that the defendants would deny her marriage. Admittedly, the written statement was filed as far back as April, 2013. The petitioners failed to give any reasons whatsoever for not filing the additional evidence for five years. Under Clause (3) of Rule 14 of Order VII CPC, if a document, which ought to be produced in Court by the defendant, is not produced, the same shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit. The legal position is well

settled that a party cannot produce the documents at a belated stage as of right and that he shall explain the reasons for his failure to produce the same along with the plaint or written statement to the satisfaction of the Court. Not even an attempt was made by the petitioners to explain the reason for not filing the documents atleast within a reasonable time after filing of the written statement. Having slept over the matter for five years, the petitioners cannot seek the indulgence of the Court during the midst of the trial.

For the aforementioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, IA.No.1 of 2018, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd August, 2018
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