

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

Civil Revision Petition No.4322 of 2018

Date: 03.08.2018

Between:

Mohammed Soheb

.. Petitioner

and

Mohammed Ghouse Mohidden

.. Respondent

Counsel for the Petitioner :

Mr.M.S.Anwar Siddiqui

The Court made the following:



Order :

This Civil Revision Petition is filed against Order, dated 09.05.2018, in IA.No.356 of 2018 in OS.No.426 of 2016 on the file of the III Additional Junior Civil Judge at Visakhapatnam (for short 'the Court below').

The abovementioned Application filed by the petitioner for receiving certain documents as additional evidence was dismissed by the Court below on two reasons *viz.*, (1) That the petitioner failed to explain the reasons for not producing the proposed documents along with plaint; and (2) That he failed to explain the reasons for filing certified copies instead of the original documents.

As regards the first mentioned reason, except stating that he has filed certain documents along with the suit and that he is filing some more documents, which are required to substantiate his case, the petitioner has not assigned the reason as to why he did not file those documents along with the suit. Under Order VII Rule 14 (3) CPC, a person cannot file documents after the suit is filed except with the leave of the Court. Unless proper reasons are assigned, the party is not entitled to such leave. As the petitioner failed to assign any such reasons, the Court below has rightly rejected the Application.

As regards the second ground, unless the petitioner satisfies the requirements of Section 65 of the Indian Evidence Act, 1872 (for short 'the Act'), he cannot file certified copies, which constitute 'Secondary Evidence' under Section 63 thereof. Therefore, the Court below has rightly dismissed the petitioner's Application.

Hence, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

This Order, however, will not preclude the petitioner from filing a fresh Application with proper reasons along with the original documents of title or in the absence of which, the certified copies thereof subject to his satisfying the requirements of Section 65 of the Act.

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

(C.V.Nagarjuna Reddy, J)

Dt: 3rd August, 2018
lur

