

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

Civil Revision Petition No.4344 of 2018

ORDER:

Mr.Mohammed Shakeel, the petitioner, has preferred this Civil Revision Petition, aggrieved by the order, dated 03.07.2018, in I.A.No.356 of 2018 in O.S.No.2941 of 2012, passed by the IX Junior Civil Judge, City Civil Court, Hyderabad, whereby the Learned Judge has rejected the petitioner's application for bringing certain documents on record.

Mr.Nazir Ahmed Khan, the learned counsel for the petitioner, vehemently contended, firstly, that during the pendency of the trial, the respondents had brought on record certain documents. However, the said documents are forged. In order to prove the fact that these documents, marked as Exs.R-1 to R-15, are forged documents, the petitioner wanted to bring certain additional documents on record. However, by the impugned order, the learned Judge has dismissed the application filed by the petitioner. Secondly, the petitioner should be given ample opportunities to buttress his case. However, the said opportunity has been denied to the petitioner by the learned Judge. Therefore, the impugned order deserves to be set aside.

Heard learned counsel for the petitioner.

It is, indeed, trite to state that parties have to be vigilant and pro-active in order to establish their case within a reasonable time. The parties cannot be given repeated opportunities to submit the documents in piece-meal manner.

A bare perusal of the impugned order clearly reveals that the Suit was filed by the petitioner-plaintiff in the year 2012. He had

filed his affidavit in lieu of his examination-in-chief on 24.02.2014. Along with his affidavit, he had filed sixty four documents, which were marked as Exs.A-1 to A-64. He was examined as PW.1. On 24.06.2014 his cross-examination was left incomplete. During the course of trial, while the cross-examination was left incomplete, on 11.08.2014 he filed an application for bringing certain documents on record. The said application was not only allowed, but the documents were also marked as Exs.P-65 to P-68.

Thereafter, it is the respondents-defendants, who had filed an application for bringing certain documents on record. The said application was also allowed by the learned trial Court and the documents were marked as Exs.R-1 to R-15. Even, subsequently, on 21.02.2015 the petitioner again filed another application for bringing certain documents on record. According to the learned trial Court, the matter was adjourned on several occasions from 2014 to 2018. Eventually, on 21.06.2018, the application filed by the petitioner for bringing the additional documents on record was allowed; the documents were marked as Exs.A-69 to A-73. The cross-examination of the petitioner was deferred till 25.06.2018. On 25.06.2018 the petitioner again filed a third application for bringing certain additional documents on record. It is this application which has been dismissed by the impugned order.

A bare perusal of the facts narrated above clearly reveal that twice the learned trial Court had given opportunities to the petitioner to bring the additional documents on record. The additional documents to be brought on record, presently, relates to the years 2014 and 2015. Yet, not even a single explanation is offered by the petitioner as to the reasons why these documents

could not have been brought on record on the earlier two occasions. After all, he had filed two applications, for bringing additional documents on record, before the learned trial Court, which were duly allowed by the learned trial Court.

Although, Mr.Nazir Ahmed Khan, the learned counsel for the petitioner, pleads that these documents are essential for establishing the fact that the documents submitted by the respondents-defendants are forged documents, no such stand was taken by the petitioner in his application filed before the learned trial Court. The only two grounds taken by the petitioner before the trial Court were, firstly, that these documents had been left out by “over-sight”; secondly, these documents are crucial for the decision of the case. However, the petitioner has not explained as to how these documents are “crucial” for the decision of the case. Hence, a new plea is being raised before this Court.

Therefore, the trial Court was justified in concluding that the petitioner has not shown any sufficient cause and has not given any cogent and convincing reasons for allowing the application filed by him.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order warranting interference by this Court. The Civil Revision Petition is hereby dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

RAGHVENDRA SINGH CHAUHAN, J.

Date:06.12.2018.