

HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.5616 of 2015

ORDER:

Heard Mr.L.Prabhakar Reddy and Mr.K.Venu Madhav for parties.

The Civil Revision Petition arises against the order allowing the prayer under Order 8 Rule 3 (sic 1-A) CPC made by the respondent herein.

Mr.L.Prabhakar Reddy straight away draws the attention of the Court to the affidavit filed in I.A.No.477 of 2015 and contends that the affidavit does not satisfy any of the requirements of Order 8 Rule 3 (sic 1-A) CPC. According to him, the respondent is required to give reasons for not placing the documents before Court at the earliest point of time. He further contends that the learned trial Judge after accepting that a few gaps are available in the affidavit, imposing costs of Rs.150/- amounts to improper exercise of discretion while allowing the I.A.

Mr.K.Venu Madhav fairly states that at this stage he cannot improve than what is stated by his counter part or the respondent in the court below. He further states that the respondent would have done better if the requirements of Rule 1-A are properly appreciated and complied with. On the terms imposed by the trial court, he submits that the discretion is exercised and this Court cannot substitute its discretion for the discretion exercised by the trial Court.

The submissions are noted.

This Court *prima facie* is of the view that the deficiency in the affidavit pointed out by the revision petitioner appears to be tenable. But, in the case on hand, the learned trial Judge, after noticing the mistake, for valid reasons recorded in the order impugned, exercised discretion and extended the jurisdiction, thereby permitted the respondent to file documents, which are described in I.A.No.477 of 2015.

This Court is not persuaded to re-examine the entire issue. But in a case like this, the trial Court ought to have put the party, who casually files applications, with reasonable terms, so that the ends of justice are met and the conduct is not repeated.

Therefore, while confirming the order of the trial Court, the respondent is directed to deposit a sum of Rs.1,500/- (Rupees one thousand five hundred only) instead of Rs.150/- (Rupees one hundred and fifty only) within four weeks from today.

The Civil Revision Petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 21-08-2018

Note:

Issue C.C. in two days

(B/o)

Prv

