

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

CIVIL REVISION PETITION NOS.5562, 5632 AND 5649 OF 2018

COMMON ORDER:

Since these three revision petitions arise out of impugned order dated 18.07.2018, passed in I.A.Nos.1113, 1114 and 1115 of 2018, in O.S.No.691 of 2010, on the file of the II Additional Chief Judge, City Civil Court at Hyderabad, these three petitions are being decided by this common order.

The petitioner-plaintiff had filed the suit for damages against the respondents. The said suit was filed in 2010. The issues in the suit were framed on 29.03.2014. The plaintiff had filed his examination-in-chief, in the form of an affidavit, on 08.07.2014. He was examined as P.W.1 on 17.07.2014. During the course of his examination-in-chief, he got Exs. A. 1 to A. 35 marked as documents. Subsequently, on 17.09.2014, he moved an application before the learned Trial Court for taking on record a few additional documents. The said application was duly allowed by the learned Trial Court. Consequently, the petitioner was re-examined as witness. During his re-examination, he got additional documents marked as Exs. A. 36 to A. 40. After four years, the petitioner's cross-examination was finally completed on 31.01.2018. Subsequently, his evidence was closed. At the fag-end of the trial, the petitioner moved three interim applications, namely, I.A.No.1113 of 2018 for recalling the petitioner again as P.W.1 and for recording his further evidence, I.A.No.1114 of 2018 for reopening his evidence, and I.A.No.1115 of 2018, filed under Order VIII Rule 1 read with Section 151 of the Code of Civil Procedure, for taking additional documents on record. However,

by the impugned order dated 18.07.2018, the learned Judge has dismissed all the three interim applications. Hence, these three revisions petitions before this Court.

Sri K. Shankara Narayana, the learned counsel for the petitioner, has pleaded that it is imperative to take the additional documents on record. More specifically, he has pleaded that in the plaint filed in 2010, it was clearly mentioned that the petitioner is interested in taking over Torus India Limited, a sick steel plant. According to him, since the documents were not available from BIFR, therefore, the documents could not be produced before the learned Trial Court. Hence, according to the learned counsel, the learned Trial Court should have permitted the petitioner to bring the additional documents on record, should have recalled him as a witness, and should have given him an opportunity to produce further evidence to buttress his suit for damages. Therefore, according to the learned counsel, the impugned order deserves to be set aside by this Court.

It is, indeed, trite to state that a plaintiff has to plead and prove his case not over decades, but within a reasonable time. He is further required to produce all the relevant documents along with the plaint. In case additional documents need to be filed by him, sufficient cogent reasons have to be given by the plaintiff for the delay in producing the additional documents.

Admittedly, in the present case, the suit was filed in the year 2010; the petitioner was examined as P.W.1 on 17.07.2014; his cross-examination ended on 31.01.2018. During this period, he did not file any application to bring in additional documents (twelve documents) which are sought to be produced at the fag-end

of the trial. Moreover, the petitioner has not explained the reasons for his inability to produce these documents during the trial, which has lasted for eight long years. Even if the petitioner has mentioned in his plaint with regard to trying to take over Torus India Limited, a sick steel plant, he had sufficient time to produce the relevant documents from the BIFR.

Therefore, the learned Trial Court is justified in concluding that the petitioner has filed the three applications in order to merely plug in the gapping holes, as revealed in his cross-examination. However, the production of additional documents cannot be used as a clever ploy to plug in the lacunae which have occurred and which are apparent in the cross-examination.

For the reasons stated above, this Court does not find any illegality or perversity in the order impugned. The three Civil Revision Petitions are devoid of any merit; they are, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, J)

6th December 2018
RRB