

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

C.R.P.Nos.5872 of 2018, 5876 of 2018 & 5927 of 2018

COMMON ORDER:

These three civil revision petitions, under Article 227 of the Constitution of India, are filed by the unsuccessful petitioner/plaintiff assailing the three separate docket orders, dated 20.08.2017, passed by the learned Principal Junior Civil Judge, Chittoor, in three interlocutory applications i.e., IA.No.526 of 2018, IA.No.606 of 2018 & IA.No.538 of 2018 in OS.No.310 of 2010 respectively filed for reopening of the evidence, recalling of PW1 and receiving on file a document namely certified copy of Suit Register extract related to the suit OS.No.259 of 1987, on the file of District Munsif Court, Chittoor.

2. I have heard the submissions of Sri *Sharad Sanghi*, learned counsel, appearing for the revision petitioner/plaintiff ('plaintiff' for brevity); and, of Sri *V.Nitesh*, learned counsel, appearing for the respondent/defendant ('defendant' for brevity). I have perused the material record.

3. From the pleadings, material record and submissions made, the following aspects are discernible: 'In a suit brought by the plaintiff for declaration of title, which is being resisted by the defendant, the plaintiff, at the stage of hearing of the arguments in the suit, filed the afore-stated three applications. The said applications were resisted by the defendant. As already noted, all the three applications were dismissed *vide* separate docket orders passed by the trial Court. Therefore, the plaintiff is before this Court.'

4. The case of the plaintiff is this: 'The predecessors in interest, namely one Nagaiah Naidu and another filed a suit in OS.No.259 of 1987, on the file of the District Munsif Court, Chittoor, against the present defendant and others including the vendor of the plaintiff. The said suit is dismissed for default. The certified copy of the suit register extract related to the said suit, which evidences the said fact is an important document to substantiate the case of the plaintiff in the present suit. Indeed during the cross-examination of DW1, he was confronted with the same, but it was not exhibited due to ignorance. Hence, the subject three applications are filed.'

5. The case of the defendant is this: 'Admittedly, the document was confronted to the defendant when he was cross-examined. Therefore, the plaintiff is aware of the existence of the document and yet the document is not filed till the suit reached the stage of hearing arguments. The petitions are belatedly filed. The relevancy of the document is not stated. Therefore, the trial Court is justified in dismissing the petitions.'

6. Admittedly the document being sought to be filed is a copy of suit register, which is a public document. According to the plaintiff it may have a bearing on the aspects to be taken into consideration for determination of the real controversy and also the principal issues involved in the suit. If the applications of the plaintiff are allowed and an opportunity is given to place such proposed evidence on record, the entire oral and documentary evidence would be before the trial Court and the same may be helpful in arriving at a just decision in the matter. Having regard to the nature of the document, which is being sought to be filed by the plaintiff, and as the suit is still pending before the trial Court, this Court considers it just and

fair to allow the requests of the plaintiff. In the decision in **John Santiyago and others v. Clement Dass and others** [2014 (3) ALT 83], while considering similar requests more or less in a similar factual background, this Court held as follows: -

‘It is well settled principle that in case ‘sufficient cause’ is shown for filing the documents at the hearing of the suit and/or at the end of the trial, such cause shown should receive a liberal construction so as to advance the cause of substantial justice, more particularly when the documents sought to be filed, in the opinion of the Court, are relevant and may have bearing on the aspects to be taken into consideration for the determination of the real controversy and the principal issue/s involved in the matter/suit. And what constitutes a sufficient cause always depends up on the facts and circumstances of a particular case. Hence, the applications need not be rejected merely on the ground of delay/long delay, but the test shall be whether sufficient cause is made out for the delay.’

On the same analogy, this Court finds that the requests of the present plaintiff deserve consideration. Therefore, this Court is satisfied that sufficient grounds are made out to grant the reliefs.

7. In the result, all the Civil Revision Petitions are allowed and the impugned orders are set aside and the IA.Nos.526 of 2018, 606 of 2018 & 538 of 2018 in OS.No.310 of 2010 are, accordingly, allowed. It is made clear that the document is received on file subject to proof, admissibility and relevancy. As the suit is a sufficiently old suit, the trial Court shall, pursuant to this order, complete the recording of evidence of PW1 and also rebuttal evidence, if any, within a period of two (02) weeks from the date of receipt of a copy of this order and endeavour to dispose of the suit, as expeditiously as possible and preferably before the end of February, 2019.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

Date: 10th December, 2018.

Note: Issue copy by 21st December, 2018.

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