

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No. 6814 OF 2018

ORDER:

This civil revision petition under Article 227 of the Constitution of India is filed questioning the order dated 21-08-2018 in I.A.No. 471 of 2018 in O.S.No. 3 of 2012 on the file of the Court of Senior Civil Judge at Narayanapet (for short, 'the Court below').

2. The respondent-plaintiff filed O.S.No. 3 of 2012 on the file of the Court below for perpetual injunction against the petitioners-defendants. In the said suit, the petitioners filed the abovementioned interlocutory application under Order VIII Rule 1-A (3) read with Section 151 of CPC seeking leave of the Court below to file documents annexed to the petition on the following ground:

"It is submitted that in the above suit for want of documents we could not able to file the chief examination in time, and on 17-07-2018 my chief was filed before this hon'ble Court, in the said chief only two documents which filed along with WS were shown as Ex.B1 and B2. Due to the survey process of the government the revenue official were busy as such they could not issue me the required records. But continuously I approached the authorities for issuing the documents showing the ground reality over the suit land. At last they have issued me the documents i.e. Attested true copy of declaration certificate issued by the EO, PRD utkoor dated 16-07-2008 (2 sets), 2 voter ID cards, 3 original house tax receipts of H.No. 8-31. Hence in the interest of justice the hon'ble court may be pleased to grant leave to the petitioners/defendant to file said documents in the above suit, and mark the same as Ex.B3 and B4 in the interest of justice."

The reason assigned in the affidavit is not inconsonance with the reason required under Order VIII Rule 1-A (3) of CPC. What is required under sub-rule (3) is to explain to the satisfaction of the Court the reason for failure to comply with sub-rules (1) and (2) at the time of filing written statement. Instead of explaining the reason for non filing of documents along with the written

statement, the petitioners explained the reason for not filing documents along with examination in chief which is not required under sub-rule (3) of Order VIII Rule 1-A. Therefore, the petitioner cannot be permitted to file documents based on the reason set out in para No. 2 of the affidavit. On this ground alone, the petition is liable to be dismissed.

3. The civil revision petition is accordingly dismissed, however, giving liberty to the petitioners to renew their request by filing a petition strictly adhering to Order VIII Rule 1-A (3) of CPC. Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

Date: 20-11-2018.

JSK

M.SATYANARAYANA MURTHY, J.

