

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.6898 of 2017

ORDER:

Heard the learned counsel for petitioners.

2. This Revision is filed challenging the order dt.09-11-2017 in I.A.No.1092 of 2017 in O.S.No.121 of 2014 of the Senior Civil Judge, Puttur, Chittoor District.

3. Petitioners are plaintiffs in the suit. The suit was filed for partition of the plaint schedule properties and for recovery of possession of half share therein.

4. After trial concluded and at the stage when the matter was posted for arguments, petitioners filed I.A.No.1092 of 2017 under Order VII Rule 14(A) (3) C.P.C. to receive certain documents stating that there were certain sales of the joint family properties by both the petitioners as well as respondents; that a list was obtained from the Mandal Tahsildar, Karetnagar under the Right to Information Act, 2005; and to receive the same and mark them under Ex.A series.

5. This application was opposed by respondents.

6. By order dt.09-11-2017, I.A.No.1092 of 2017 was dismissed by the Court below. It held that there was no pleading on behalf of the petitioners that both parties were dealing with the properties of the joint family and making individual dispossession of the same. It also held that when the matter was posted for arguments after completion

of evidence on both sides, this application as well as application to reopen the evidence of P.W.1 were filed.

7. Assailing the same, this Civil Revision Petition is filed.

8. Though learned counsel for petitioners sought to contend that there is a pleading in the evidence of P.W.1 to the effect that the parties were dealing with some of the items of the joint family individually, the fact remained that having filed the suit in 2014 and having mentioned therein that some properties were sold not only by them but also by respondents, no attempt was made to furnish the details of the said transactions or to file documents in regard thereto. The petitioners being plaintiffs could have as well obtained the said documents before filing the suit and filed them along with the plaint. Having neglected to do so, at a stage when the suit had been posted for arguments, they cannot seek to reopen the suit for the purpose of marking the documents which they then obtained. This is clearly contrary to Order VII Rule 14(3) C.P.C. which has been interpreted by this Court to the effect that until and unless valid reasons are furnished for not filing documents along with the plaint by plaintiff, at a later stage, plaintiff cannot be permitted to file such documents.

9. I therefore see no error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

10. The Civil Revision Petition is accordingly dismissed at the stage of admission. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-01-2018

VSV

