THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.6979 OF 2017

O R D E R

This civil revision petition under Article 227 of the Constitution arises out of the order dated 17.11.2017 passed by the learned XIV Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.1008 of 2017 in O.S.No.921 of 2011. The said I.A. was filed by the petitioners herein, the defendants in the suit, under Order 8 Rule 1A(3) CPC to receive certain bank accounts statements. By the order under revision, the trial Court disallowed their plea and dismissed the I.A. Aggrieved thereby, they are before this Court.

Despite service of notice, the respondent/plaintiff did not choose to enter appearance before this Court.

Heard Sri Venkat Raghu Ramulu, learned counsel for the petitioners/defendants.

The affidavit filed by the petitioners/defendants in support of the subject I.A. reflects that the respondent/plaintiff had supplied certain steel forgings to the petitioners/defendants in September and October, 2009. These supplies were made to the tune of Rs.18,00,000/- and the petitioners/defendants claim that they paid the amount due to the respondent/plaintiff by way of cheques. They sought to file the statements of their bank accounts evidencing such payment, by seeking the leave of the trial Court under Order 8 Rule 1A(3) CPC. The trial Court however opined that the petitioners/defendants had failed to explain the delay on their part in filing the subject bank account statements along with their written statement, which was filed as long back as on 27.02.2012.

Sri Venkat Raghu Ramulu, learned counsel, would point out that O.S.No.921 of 2011 was filed by the respondent/plaintiff for recovery of a sum of Rs.29,51,224/- along with interest for the supplies made only during November, 2009. He would therefore assert that the bank accounts statements now sought to be produced, for proving the payments made for supplies by the respondent/plaintiff during September and October, 2009, are wholly un-connected to the suit claim, but were sought to be placed on record so as to clarify the factual position. Learned counsel would further point out that the Managing Director of the respondent/plaintiff admitted in his cross-examination that the petitioners/defendants had made payments for the earlier supply of material.

Given the aforestated circumstances, when the suit is for recovery of money for supplies made, it would be apposite for the trial Court to have the full facts before it. No doubt, the suit was instituted for recovery of monies for supplies made only in November, 2009 but details of the payments already made may be of relevance if the issue requires to be looked into at a later stage as to what were the supplies made, in entirety, and what were the payments made, in entirety. Therefore, as the subject documents are not really relevant to the suit claim but are sought to be marked in evidence only to lend support to and elaborate on the admission made by P.W.1, speaking on behalf of the respondent/plaintiff, that the petitioners/defendants had made payments for the supplies already made, the trial Court ought not to have dismissed the subject I.A. on the ground of delay. The question of delay does not even arise, strictly speaking, as the subject bank accounts statements do not relate to the suit claim.

The civil revision petition is accordingly allowed. The I.A. is also allowed in consequence. The trial Court shall receive the subject bank accounts statements filed by the petitioners/defendants and consider the same, subject to proof and relevance, at the appropriate stage.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. Interim order dated 25.01.2018 shall stand vacated. No order as to costs.

SANJAY KUMAR,J

2nd FEBRUARY, 2018
PGS