

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

C.R.P.No.52 of 2019

ORDER:

Heard the learned counsel for the petitioners.

2. This Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.22-11-2018 in I.A.No.765 of 2018 in O.S.No.1765 of 2015 of the VII Additional Senior Civil Judge, Ranga Reddy District at L.BNagar.

3. Petitioners are defendants in the suit. The said suit was filed by the respondents against the petitioners for perpetual injunction restraining the petitioners from interfering with their alleged possession and enjoyment of the plaint schedule property.

4. After the respondents filed affidavit in lieu of chief examination of P.W.1, they filed I.A.No.764 of 2018 invoking Order VII Rule 14 read with Section 151 CPC to receive certain documents (7 in number). They contended that these documents are relevant and necessary for adjudication of the suit, that they came into existence after the filing of the suit and so they could not be filed earlier. It was also contended that no prejudice would be caused to the petitioners, if they are received in evidence.

5. Counter affidavit was filed by the petitioners opposing the receipt of the documents. It is contended that the documents are all concocted by managing the officials who issued them and they cannot

be taken into consideration or received in evidence in support of the respondents' case.

6. By order dt.22-11-2018, the Court below allowed the said application. It held that the question whether the documents are fabricated or not can be decided at the time of judgment and it would be premature to come to any conclusion regarding the same. It also held that even if the documents are subsequent to the filing of the suit, it would not restrain the respondents from filing the same, but if they are not helpful for adjudication of the matter, they can be discredited from the consideration at the time of rendering of the judgment; but if they are not at all received, the respondents would suffer prejudice, While the petitioners would not be put to prejudice since they would have ample opportunity to cross examine the witness on the said documents.

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

8. Heard the learned counsel for the petitioners.

9. Learned counsel for the petitioners contended that the Court below ought not to have permitted filing of such documents which are subsequent to filing of suit and that order VII Rule 14 CPC does not permit filing of documents which have come into existence after filing of the suit.

10. No doubt Order VII Rule 14 CPC would apply in regard to documents which were in existence on the date of filing of the suit

but it might not apply with regard to documents which have come into existence after filing of the suit. Section 151 CPC is also quoted by the respondents in I.A.No.765 of 2018 and that provision would undoubtedly apply. Therefore, it cannot be said that I.A.No.765 of 2018 is not maintainable in law.

11. Whether the documents now sought to be filed by the respondents are relevant or not cannot be gone into at the time of receiving the documents by the Court, but their relevancy and admissibility can be gone into at the time of receiving of the same by the Court below. The issue whether the documents are fabricated or not will be decided at the time of rendering of the judgment as rightly held by the Court below and cannot be gone into at this stage.

12. I therefore do not find any merit in the Revision Petition and it is accordingly dismissed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-01-2019

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