

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

C.R.P.No.134 of 2019

O R D E R:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.26.09.2018 in I.A.No.811 of 2018 in O.S.No.17 of 2011 of the Senior Civil Judge, Peddapalli at Karimnagar District.

2. Petitioner herein is the defendant in the said suit, which was filed by the respondent for declaration of title and for permanent injunction.

3. This suit is being tried along with another suit filed in the year 2009, which was later transferred to the Court below and renumbered as O.S.No.21 of 2015.

4. On 09.07.2018, petitioner filed I.A.No.811 of 2018 invoking Order VIII Rule 1A(3) CPC to receive certain documents.

5. In the affidavit filed in support of the said application not only no reason was assigned for the delay in filing the application, nor was it stated what were the documents sought to be filed. It was merely stated that matter was posted for petitioner's evidence, that petitioner had already filed some documents, and that he is filing some more public documents.

6. Counter affidavit was filed by the 1st respondent opposing the said application.

7. By order dt.26.09.2018, the Court below dismissed the said I.A. It held that no reasons were assigned by the petitioner why these documents could not be filed at the time of filing of the Written Statement. It also relied on the decisions rendered by this Court in ***Voruganti Narayana Rao v. Bodla Rammurthy and others*¹**, ***Union of India v. Y.S.Hi-Tech Secure Print Pvt. Ltd., Hyderabad*²** and ***C.Rama Mohan Reddy v. Kusetty Seshamma and Others*³**.

8. Assailing the same, this Revision is filed.

9. Though counsel for petitioner sought to contend that grave prejudice would be caused to the petitioner if the said documents are not received, since the application filed by the petitioner in the Court below not only does not mention what documents the petitioner wants to be received in evidence nor does it give any reason why the said documents are not filed along with the Written Statement in the suit, I see no merit in this Revision.

10. Accordingly, this Civil Revision Petition is dismissed at the admission stage. No order as to costs.

11. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

30th January, 2019.

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¹ 2011(6) ALD 142

² 2010(6) ALD 430

³ 2013(1) ALT 174