

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

Civil Revision Petition No.846 of 2019

ORDER:-

This Revision is filed under Article 227 of the Constitution of India challenging order dt.01.03.2019 in I.A.No.246 of 2019 in O.S.No.2586 of 2006 of IX-Additional Senior Civil Judge, L.B.Nagar, Ranga Reddy District, permitting the respondents 1 and 2 to file four (4) documents, 13 years after filing of the suit.

2. Counsel for the petitioner contends that firstly no valid reason is given in I.A.No.246 of 2019 for respondents No.1 and 2 for not filing these documents along with the written statement, and secondly, that the impugned order also does not give any reason, why the Court below permitted the respondents No.1 and 2 to file the said documents, at such a belated stage. Counsel for the petitioner placed reliance on the Judgments of this Court in **RAVI SATISH v. EDALA DURGA PRASAD¹** and **VORUGANTI NARAYANA RAO v. BODLA RAMMURTHY²**.

3. Counsel for the respondents, on the other hand, supported the order passed by the Court below and stated that valid reason has been furnished by the respondents No.1 and 2 for not filing the said documents along with the written statement. According to them, the respondents No.1 and 2 were not residing in Hyderabad and had been residing in Bangalore and that was why they could not file these documents along with the written statement.

4. Heard both sides.

¹ 2009(3) ALT 236

² 2011(6) ALT 299

5. In **Ravi Satish's case (1 supra)** and **Voruganti Narayana Rao's case (2 supra)**, this Court has held that grant of leave to file documents under Order VIII Rule 1-A(3) C.P.C., by the Civil Court is not for the mere asking, and the Civil Court is not a mere Post-Office to receive documents in the absence of reasons being furnished for failure to file documents along with the written statement. It was held that leave can be granted only on furnishing of adequate reasons justifying failure on the part of the applicant in not filing the documents along with the written statement earlier.

6. This legal principle is not disputed by the Counsel for the respondents No.1 and 2. Unfortunately, the Court below not only did not notice this legal position but also did not give any reasons in the impugned order why it allowed I.A.No.246 of 2019. I am also of the opinion that the reasons given by respondent Nos.1 and 2 cannot be said to be valid reasons since nothing prevented them from filing their documents along with their written statement.

7. In view of the settled legal position, the C.R.P. is allowed; Order dt.01.03.2019 in I.A.No.246 of 2019 in O.S.No.2586 of 2006 of IX-Additional Senior Civil Judge, L.B.Nagar, Ranga Reddy District, is set aside; and the said I.A. is dismissed. No order as to costs.

Consequently, miscellaneous petitions if any pending in the Civil Revision Petition shall stand dismissed.

M.S.Ramachandra Rao, J

6th August, 2019
smr