

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2247 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.4, challenging the order, dated 27.08.2019, passed in I.A.No.908 of 2019 in O.S.No.635 of 2007, by the XIV Additional District Judge, Ranga Reddy District at L.B.Nagar, whereby, the petition filed by the revision petitioner/defendant No.4 under Order VIII Rule 1A (3) of CPC praying the Court below to receive the documents filed along with the list to mark the same in evidence, was dismissed.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the revision petitioner/defendant No.4 would contend that the documents sought to be received in evidence, such as letter of authorisation, dated 12.03.2018, authorising the revision petitioner/defendant No.4 to represent on behalf of the firm in the subject suit etc., are necessary for determination of the subject suit in O.S.No.635 of 2007. The Court below ought to have received the documents sought to be marked in evidence, since they have relevancy to determine the issues involved in the subject suit. The impugned order passed by the Court below is erroneous and ultimately prayed to set aside the order under challenge and allow the subject interlocutory application in I.A.No.908 of 2019 as prayed for.

4. On the other hand, the learned counsel for the respondent Nos.1 & 2/plaintiffs would contend that there is no whisper in the affidavit filed in support of the subject interlocutory application with regard to the nature of the documents sought to be received in evidence and the relevancy of those documents for the determination of the issues involved in the subject suit. The Court below, assigning various reasons, was pleased to dismiss the subject interlocutory application. There is nothing to interfere with the order under challenge and ultimately prayed to sustain the impugned order and dismiss the Civil Revision Petition.

5. In view of the submissions made by both the sides, the point that arises for determination in this Civil Revision Petition is as follows:

“Whether order, dated 27.08.2019, passed in I.A.No.908 of 2019 in O.S.No.635 of 2007, by the XIV Additional District Judge, Ranga Reddy District at L.B.Nagar, is sustainable?”

6. The Court below, while dealing with the subject matter of the subject interlocutory application, had referred to a decision of the erstwhile common High Court for the States of Telangana and Andhra Pradesh in Union of India Vs. Y.S. Hi-Tech Secure Print Pvt. Ltd., Hyderabad¹, wherein, it was held that leave for receiving the documents with delay cannot be granted mechanically for mere asking and adequate reasons should be furnished for not filing them along with the written statement.

¹ 2010 (6) ALD 430

In *Voruganti Narayana Rao Vs. Bodla Rammurthy and others*² also, the erstwhile common High Court for the States of Telangana and Andhra Pradesh, while dealing with a similar situation, held that allowing a petition to receive the documents which were not filed along with the written statement is in the discretion of the Court, if sufficient cause is assigned for production of the same later, but not for mere asking.

7. Under these circumstances, it is relevant to extract the relevant paragraph in the affidavit filed in support of the subject interlocutory application in I.A.No.908 of 2019, which reads as follows:

“I submit that the petitioner filed certain material of papers along with chief thereby marked as Ex.B.1 to 23. It is submitted that the plaintiff filed several new material of papers after filing suit thereby petitioner herein wish to file some other documents which are necessary and proper documents to prove the case of DW1 thereby obtained the same and wish to submit the same in the circumstances of the case and interest of justice.”

8. In the whole affidavit, there is no whisper with regard to the nature of the documents sought to be received and the relevancy of those documents to determine the issues involved in the subject suit. A vague affidavit with not even a single tenable reason is filed in support of the subject interlocutory application to receive documents. In the given circumstances, the revision petitioner/defendant No.4 ought to have given the details of the documents, their relevancy to determine the issues involved in the subject suit and the reason for filing them at a

² 2011 Law Suit (AP) 340

belated stage. Under these circumstances, the Court below is justified in passing the impugned order. There is no legal infirmity or perversity in the order under challenge. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

9. In the result, the Civil Revision Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending in this CRP, shall stand closed.

19th December, 2019
Bvv

Dr. SHAMEEM AKTHER, J

