

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION Nos.3628 and 3635 of 2018

COMMON ORDER :

These two Revisions arise between the same parties out of the same suit and so they are being disposed of by this common order.

2. Petitioners in both these Revisions are defendants in the suit O.S.No.1078 of 2008 filed by respondent against them for specific performance, recovery of amounts etc., alleging that petitioners were tenants of the respondent and after completion of the original period of lease, they had agreed to allegedly extend the lease.

3. Thereafter written statement was filed opposing the suit claim and trial also concluded. However, the matter was reopened after hearing of arguments for certain reasons.

4. Thereafter the respondent filed I.A.Nos.58 of 2016 and 247 of 2016 seeking amendment of the plaint and these applications were ordered on 01-02-2016 and 05-06-2017.

5. Later amended written statements were filed by petitioners opposing the pleas in the amended plaint and also the reliefs added by way of amendment.

6. Thereafter petitioners filed I.A.No.2900 of 2017 invoking Order VIII Rule 1(A) C.P.C. to receive certain documents and make them

part of record and I.A.No.2899 of 2017 to reopen the evidence of petitioners.

7. It is the contention of the petitioners that petitioners were the successors to M/s.Satyam Computer Services Limited and after 2009, there was turmoil in the management of the said Company and investigation by various Agencies and the documents in question could not be filed at the time when the additional written statements were filed. It is contended that these documents have to be placed on record in view of the subsequent pleadings.

8. Counter-affidavit was filed by respondent opposing these applications contending that the documents sought to be filed are not relevant and that the alleged turmoil in the management of M/s.Satyam Computer Services Limited was not relevant ground for inability to produce these documents along with additional written statements.

9. By separate orders dt.20-03-2018 these two applications were dismissed by the Court below observing that the turmoil in the management is not a ground for not producing the documents at the relevant point of time and the petitioners did not explain how additional documents sought to be marked would prove their defence about the prayers added through amendment to the plaint being barred by limitation.

10. Assailing the same, these two Revisions are filed.

11. Heard both sides.

12. It is an admitted fact that after 2009, there was criminal investigation against M/s.Satyam Computer Services Limited and the petitioners had taken over Management of the said Company thereafter and they stepped into the shoes of the said Company. When for the purpose of investigation, records of M/s.Satyam Computer Services Limited had been seized by the police and other Agencies, petitioners, who are successors of the said Company, cannot be blamed for not producing the subject documents along with additional written statements.

13. Also, the view of the Court below that petitioners have failed to explain how those documents are relevant, also cannot be sustained because while receiving documents, the issues of relevancy and admissibility cannot be gone into.

14. Therefore, the impugned orders are set aside and I.A.Nos.2899 of 2017 and 2900 of 2017 are both allowed.

15. These two Civil Revision Petitions are allowed accordingly.
No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-06-2019

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