

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.3110 of 2015

ORDER:

Heard the learned counsel for the petitioner.

2. This Revision Petition is filed by the petitioner under Article 227 of the Constitution of India assailing the orders dt.13-07-2015 in I.A.No.196 of 2015 in O.S.No.264 of 2014 of the Senior Civil Judge, Shadnagar.

3. The said suit had initially been filed as O.S.No.249 of 2007 and had been renumbered on its transfer to the present Court as O.S.No.264 of 2014.

4. The prayer made by the petitioner, who is plaintiff in the said suit is for declaration of title and for permanent injunction in respect of the suit schedule property. Written Statement was filed by the respondent opposing the suit claim. Both parties adduced evidence and the case was posted for submission of arguments.

5. At that stage, petitioner filed I.A.No.196 of 2015 stating that he could not file certified copy of old record of rights, new record of rights and certified copy of order passed by the Joint Collector on the file No.D1/73/2010 dt.23-08-2014 in respect of the plaint schedule property, and that they had been

obtained recently after they were misplaced in his old house, and he had been disabled from filing them during the course of his evidence.

6. Counter affidavit was filed by the respondent opposing the said application. It is pointed out that the suit was filed in the year 2007 and had been posted for arguments and grave prejudice would be caused to the respondent, if the documents are now sought to be filed to receive by the Court below. The respondent also denied the contention of the petitioner that these documents were misplaced by the petitioner in his old house and could not be filed in the Court.

7. By order dt.13-07-2015, the Court below rejected I.A.No.196 of 2015. It held that the petitioner could have obtained records of rights at the time of filing of the suit and there was no explanation forthcoming why he did not do so. It also stated that the petitioner had not contended that he approached the revenue officials in 2007 before he filed the suit and that they did not issue to him the ROR copies. It also noted that provision of law was wrongly quoted by the petitioner in the I.A. as Order 8 Rule 1 (a) instead of Order 7 Rule 14 (3) CPC, but notwithstanding the quoting of wrong provision of law, it is still considering the application on merits. It observed that if

petitions of this nature are allowed, there would be no end to the litigation.

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

9. Learned counsel for the petitioner sought to contend that the petitioner will be gravely prejudiced if the documents now sought to be submitted by the petitioner are not received in evidence by the Court below. According to him, the documents had been misplaced in the old house of the petitioner and they have now been discovered.

10. Admittedly, the suit had been filed in the year 2007 and as per Order 7 Rule 14 (i) CPC, the plaintiff is expected to produce the documents on which he relies along with plaint. Unless sufficient cause is shown, leave to file documents at later stage cannot be granted under Order 7 Rule 14 (3) CPC.

11. The only reason assigned by the petitioner is that he could not file the certified copy of old ROR, new ROR and certified copy of an order passed by the Joint Collector when he was giving evidence. It is not the case of the petitioner that he applied for copy of the ROR before he filed the suit and the revenue officials had refused to furnish copy of the same. At the fag end of the suit, when it is posted for submission of arguments, if these documents now sought to be submitted by the petitioner

are entertained, there would be no end and it would lead to protracting of the litigation. Therefore, I agree with the reasoning of the Court below that the application deserves to be dismissed for the reasons assigned by it.

12. Accordingly, the Civil Revision Petition fails and is dismissed at the admission stage. No costs.

13. Interim order granted earlier is vacated.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 11-02-2019
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