

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.5808 of 2018

ORDER :

Heard the learned counsel for petitioners and learned counsel for respondent.

2. This Revision is filed under Article 227 of the Constitution of India challenging the order dt.27-07-2018 in I.A.No.79 of 2018 in O.S.No.10 of 2013 of the II Additional District Judge (FTC), Mahabubnagar.

3. Petitioners are plaintiffs in O.S.No.10 of 2013, which they had filed for declaration of their title and for perpetual injunction.

4. Written statement was filed by respondent opposing the suit claim.

5. Petitioners then filed I.A.No.79 of 2018, 5 years after filing of the suit, invoking Order VII Rule 14(3) C.P.C. seeking leave of the Court to file the following documents:

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|------------------------|---|
| “1. Dated :-01-06-1969 | Original Unregistered sale deed |
| 2. Dated :-01-06-1969 | Original Receipt. |
| 3. Dated :-18-07-1990 | Form No.13(c) of Plaintiff No.2 |
| 4. Dated :- 1990 | Form No.13(B) of Plaintiff No.1 |
| 5. Dated :- 1991 | Proceedings No.ROR/159/90
of plaintiff No.1” |

6. Counter-affidavit was filed by respondent opposing the said application and contending that the 2nd petitioner managed and obtained validation proceedings on 18-07-1990 by misguiding the

Mandal Revenue Officer, Amangal; that he preferred an appeal against the validation proceedings before the Revenue Divisional Officer, Mahabubnagar; that the said appeal was allowed and the Mandal Revenue Officer, Amangal was directed to conduct fresh enquiry.

7. By order dt.27-07-2018, the Court below permitted only the first 2 documents to be received in evidence, but refused to receive document Nos.3 to 5 referred to above. It held that only the first 2 documents are relevant, and received those documents subject to proof, relevancy, but refused to receive the next 3 documents taking note of the plea of the respondent that those proceedings were set aside.

8. Challenging the same, this Revision is filed.

9. Learned counsel for petitioners contended that the Court below should have received all three documents in addition to the first two documents which were taken by the Court. He also stated that petitioners filed photocopies of these documents along with the plaint. He contended that all documents were misplaced in his house and they were traced out only two days prior to filing of the I.A., that they are very important and relevant to establish the claim of petitioners, and so they should be received in evidence.

10. Order VII Rule 14(1) C.P.C. requires the plaintiff to file all documents which they intended to rely upon in support of their claim

along with the plaintiff, unless such document is not in their possession or power and they should state in whose possession or power it is. As per clause (3) of Rule 14 of Order VII C.P.C., a document which ought to have produced in Court by plaintiff when the plaint is presented, but was not so produced, shall not be received unless leave of the Court is granted. Grant of leave is not automatic and valid reason has to be furnished for not producing the documents along with the plaint.

11. In the instant case, the only reason assigned is that petitioners misplaced the documents and they are traced now and so they ought to be received.

12. I am of the considered opinion that if such reason is accepted, in no case can Order VII Rule 14(3) C.P.C. can be implemented particularly when plaintiffs/petitioners could have obtained duplicate copies of these documents and then only filed the suit when they are available.

13. I therefore do not find any merit in the Revision and it is accordingly dismissed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-07-2019

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