

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

C.R.P. No.7118 of 2018

O R D E R:

This Revision is filed under Article 227 of Constitution of India challenging the order dt. 22.10.2018 in I.A.No.368 of 2018 in A.S.No.07 of 2017 of Senior Civil Judge, Narayanpet.

2. Petitioner herein is the plaintiff in O.S.No.41 of 2006 on the file of the Junior Civil Judge at Kodangal. He filed the said suit for declaration of title and eviction of defendant/respondent and other reliefs. After trial, the suit was decreed on 14.07.2017. Challenging the same, the respondent filed A.S.No.7 of 2017 before the Senior Civil Judge at Narayanpet.

3. During pendency of the appeal, the respondent filed I.A.No.368 of 2018 in A.S.No.7 of 2017 invoking Order 41 Rule 27 CPC to mark certain documents. He contended that most of the documents had been filed in the trial Court, since they did not contain the signatures of the officials, the trial Court did not accept them and so he had again applied and obtained certified copies of the said orders and is filing them. He also stated that inspite of due diligence, he could not file these documents which are to be produced during the pendency of the suit.

4. Counter affidavit was filed by the petitioner opposing this application. He contended that there are no reasonable

grounds for permitting the petitioner to file the documents in question. He also contended that the documents are not at all relevant for consideration.

5. By order dated 22.10.2018, the Court below allowed the said application. It referred to the judgment of the Supreme Court in ***A.Andisamy Chettiar vs. A.Subburaj Chettiar***¹ and held that proposed documents are necessary for disposal of the case and it was a fit case to receive the documents.

6. Assailing the same, this Revision is filed.

7. Though counsel for the petitioner sought to contend that the documents in question are not relevant, the said issue has to be gone into by the lower appellate Court and if really the said documents are not relevant, it might ignore the same when it passes its judgment in the appeal.

8. As regards the contention of the petitioner that documents have already been filed in the trial Court, as pointed out by the counsel for the respondent because of the fact that the documents filed in the trial Court did not have proper seals and signatures, the trial Court did not take them into account. The respondent complied with the same and secured the same and is filing them in the Court at the appeal stage.

¹ 2016 (2) ALD 19 (SC)

9. Having regard to the said reason assigned by the respondent, I do not find any error of jurisdiction in the order passed by the Court below in receiving the documents filed by the respondent at the appeal stage.

10. Accordingly, the Civil Revision Petition fails and is dismissed. No costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

03.04.2019

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