

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.86 OF 2020

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant aggrieved by the order dated 11.12.2019 passed in I.A.No.936 of 2019 in O.S.No.27 of 2013 by the II Additional District Judge, Nalgonda at Suryapet, whereby the application filed by the revision petitioner/defendant, under Order VIII Rule 1A(3) of CPC to receive the documents, was dismissed.

2. Heard learned counsel for the revision petitioner/defendant, learned counsel for the respondent/plaintiff and perused the record.

3. Learned counsel for the revision petitioner/defendant would contend that on the date of agreement of sale, i.e., 26.10.2007, there was no necessity for the revision petitioner to alienate the subject property. The revision petitioner has got sufficient means and source to meet his expenses, etc. After the death of his father, when he was searching in his house, some of the documents, viz., 1) cash book maintained by Gedepalli Krishna Murthy, 2) FDR register maintained by Gadepalli Krishna Murthy and 3) chit endorsement dated 09.04.2004 made by Gadepalli Subbalaxmi were traced out and the said documents are relevant for determination of the subject suit. In support of his contention that the Court can receive the relevant and necessary documents even at a belated stage, he relied upon a decision reported in *Sirugudi Adinarayana v. Bodla Mariamma*<sup>1</sup> and ultimately prayed to allow the civil revision petition as prayed for.

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<sup>1</sup> 2004(4) ALT 1

4. On the other hand, learned counsel for the respondent/plaintiff would contend that the subject documents are irrelevant for determination of the subject suit which was filed in the year 2013. If those documents were available, the revision petitioner should have filed the same along with the written statement. The subject documents are pressed into service in the year 2019. Further, the revision petitioner is protracting the litigation without there being any justifiable cause and ultimately prayed to dismiss the revision petition.

5. In view of the submissions made by both sides, the point that arises for determination is:

*“Whether leave can be granted to the revision petitioner/ defendant to receive the subject documents?”*

6. POINT:- Admittedly, the subject suit was filed in the year 2013. The subject Interlocutory Application, to receive the aforesaid documents, was filed in the year 2019 on the ground that after the death of his father, when the revision petitioner was searching the house, he found the subject documents in the year 2019 and they are relevant for the purpose of adjudication of the suit. A perusal of the subject documents shows that they are maintained by late Gadepalli Krishna Murthy, father of the revision petitioner and the respondent.

7. The subject suit is filed for specific performance of contract. The contention of the revision petitioner is that he has no necessity to alienate the subject property as he has sufficient means.

8. It is a fact that one alienates the property for various purposes including the necessity to meet family expenses. In this case, it is pertinent to note that firstly, the subject documents are not filed along

with the written statement and secondly, the issues and contentions that are required to be adjudicated in the original suit are different. The subject documents would not have any bearing over those issues. Furthermore, the documents are not necessary for just adjudication of the subject matter of the suit.

9. In *Sirugudi Adinarayana's* case (supra), the erstwhile High Court of Andhra Pradesh at Hyderabad, held that if the documents are relevant and necessary for determination of the suit, the same can be received belatedly and the question of admissibility and relevancy of the documents can be gone into by the Court not at the stage of granting leave to the petitioner to produce the documents. In the instant case, the facts and circumstances are quite different and the subject documents are not relevant for the purpose of determination of the suit and they will not have any bearing over the suit. The Court below had elaborately dealt with the contentions raised by both the parties. So, in the given circumstances, the revision petitioner cannot seek condonation of the delay that caused in filing the documents and the Court below is justified in declining to grant leave for filing the proposed documents. There is no legal infirmity in the impugned order. The revision petition is devoid of merits and is liable to be dismissed.

10. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.  
No costs.

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Dr. SHAMEEM AKTHER, J

Date: 14.02.2020  
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