

THE HON'BLE SRI JUSTICE N.V. RAMANA.

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C.R.P. No. 4959 of 2009

Oral order:

This C.R.P. is directed against the order dated 15.09. 2009, passed by the III Additional Junior Civil Judge, Ranga Reddy District, dismissing the application in I.A. No. 1061 of 2009 in O.S. No. 2945 of 2007, praying to receive the documents, namely certified copies of touch map of Karmanghat village and decree in O.S. No. 313/82.

The learned counsel for the petitioner submitted that the documents which the petitioner sought to file are relevant to establish that respondent No.2 has no land in Sy. No. 134/A inasmuch as he had already alienated the same to several persons, including respondent No.3, and having regard to the provisions of Order VII Rule 14(2) C.P.C., it is appropriate that the petitioner should be permitted to file the documents, but the Court below committed an error in dismissing the application filed by the petitioner praying to receive them. In support of this argument, he placed strong reliance on the judgment of this Court in **Cable Corporation of India Ltd., Mumbai v. Sanghi Industries Ltd.**^[1]. Hence, he prayed that the order under revision be set aside and the C.R.P. be allowed.

Heard the learned counsel for the petitioner and perused the order under revision.

The petitioner filed the suit for injunction in respect of the property comprised in Sy. No. 87/26 of Karmanghat village. The suit is of the year 2007. In a suit for injunction, what is required to be proved by the petitioner is that he was in possession of the suit schedule property as on the date of filing the suit. Admittedly, the evidence of

both the parties was closed on 13.08.2009, and as can be seen from the impugned order, the petitioner is said to have taken several adjournments for advancing arguments, and filed the present application, praying to permit him to file certain documents, namely sale deeds, copy of decree in O.S. No. 313 of 1982 and cash receipt and touch map of Karmanghat village. Except one sale deed, which is of the year 2007, all other sale deeds are of the year 1990, while the decree is of the year 1982. All the documents, which the petitioner sought to file are much prior to the filing of the suit. The petitioner has not assigned any reason as to why he could not file them before filing the suit or before commencement of the trial, except stating that respondent No.2, who examined himself as D.W.1 suppressed the factum of execution of sale deeds in respect of land in Sy. No. 134/A, and that after making strenuous efforts, he could obtain them, and they being relevant to prove his case, he should be permitted to file them. However, inasmuch as the relief of injunction sought by the petitioner is in respect of the land in Sy. No. 87/26 of Karmanghat village, and the documents which the petitioner sought to file related to the land in Sy. No. 134/A of Jillelguda village, the Court below refused to permit the petitioner to file the documents, and no exception can be taken thereto and more so when the petitioner is said to have not pleaded in the suit with respect to land in Sy. No.134/A. Reliance placed by the petitioner on the judgment of this Court in **Cable Corporation of India Ltd., Mumbai v. Sanghi Industries Ltd.**, will not assist the petitioner because in the said case, the petitioner made request to permit him to file the documents, which he could not file at the time of filing the suit, at the stage of trial, but in the instant case, the petitioner sought to file the documents much after the evidence of both the sides is closed.

In the above view of the matter, I find no reason whatsoever to

interfere with the order under revision in exercise of supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

The C.R.P. is devoid of merit, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Dated: 30th November, 2009
KSR

[\[1\]](#) AIR 2003 AP 282