

The Hon'ble Sri Justice M.S.Ramachandra Rao

Civil Revision Petition No.3148 of 2014

Dated 30.10.2015

Order:

1. This Civil Revision Petition is filed challenging docket order dt.12-06-2014 of the Senior Civil Judge, Repalle allowing IA.No.410 of 2013 in OS.No.59 of 2010.

2. The petitioner herein is plaintiff in the suit. The respondent wanted to file certain documents, which she could not file along with the written statement, and so, she filed IA.No.410 of 2013 under Order VIII Rule 1-A (3) of the Code of Civil Procedure, 1908 (CPC) seeking leave of the Court to file them. The only reason assigned in the affidavit filed in support of this application is that the documents in question could not be traced out in time, that some documents sought to be filed were available with the Registrar of the High Court and that therefore, they could not be filed in time. No details of the documents have been given in the affidavit by the respondent-defendant. By docket order dt.12-06-2014, the Court below allowed the said application, rejecting the objections of the petitioner to the receipt of the documents sought to be filed by the respondent.

3. This order is challenged in this Civil Revision Petition.

4. Learned Counsel for the petitioner contended that in the absence of any valid reason being furnished by the respondent for non-filing of the documents in question along with the written statement, the Court below, without assigning any reason, should not have allowed the said application.

5. Although the learned Counsel for the respondent sought to support the order passed by the Court below, I am of the opinion that there is considerable force in the contention of the learned Counsel for the petitioner.

6. Order VIII Rule 1 (A) (3) of the CPC permits a defendant to file documents, which he did not file along with the written statement, by seeking the leave of the Court. Such leave can be granted by the Court only if a valid reason for not filing the documents is indicated in the affidavit filed along with the application. If, on the mere ground that the documents could not be traced out earlier by the respondent, the application is allowed, even though the application itself does not mention why they could not file earlier, what documents were traced out and what documents were available with the Registrar of the High Court, such order cannot be sustained. Therefore, the impugned order is set aside and IA.No.410 of 2013 is dismissed.

7. The Civil Revision Petition is, accordingly, allowed.

8. As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(M.S.Ramachandra Rao, J)

Dt: 30th October, 2015

LUR