
(2012) 04 AP CK 0083
In the Andhra Pradesh High Court
Case No : C.R.P. No. 1792 of 2012

C. Rama Mohan Reddy

APPELLANT

Vs

Kusetty Seshamma and Kusetty Guru Prasad

RESPONDENT

Date of Decision : 16-04-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 7 Rule 14(1)

Citation : (2012) 4 ALD 96 : (2013) 1 ALT 174

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : V. Nitesh Both Cases, for the Appellant;

Judgement

C.V. Nagarjuna Reddy

1. CRP.Nos.1792 and 1793 of 2012 are filed against Orders, dated 14-03-2012, in IA.Nos.33 and 31 of 2012 respectively in OS. No. 184 of 2008 on the file of the Court of the learned Principal Junior Civil Judge, Proddatur. The parties are common in both these cases. The petitioner filed the above-mentioned suit for permanent injunction against the respondents. After the petitioner's side evidence was closed and respondent No. 1 was examined, the petitioner has filed IA. No. 31 of 2012 for reopening the suit for adducing further evidence and IA. No. 33 of 2012 for permission to file two sale deeds, dated 27-12-2001 and 25-01-2002. Both these applications were dismissed by the lower Court.

2. The petitioner has stated in his affidavit filed in support of the applications that during the course of evidence of respondent No. 1, he has concentrated upon and made certain depositions on the boundaries; that later on, he has searched for and found the documents, which contained the boundaries, and that, as there is some variation in the boundaries, it is necessary for filing those documents to explain the variations.

3. In my opinion, reasons on which the applications filed by the petitioner are wholly unacceptable. Being the plaintiff, the responsibility lies on him to establish

his case with reference to his own pleadings. He is bound to file all those documents, which advance his case and establish his pleadings. The petitioner cannot be permitted to fish out evidence from time to time and on installment basis depending upon what the defendant deposes. Order VII Rule 14(1) of the Code of Civil Procedure, 1908, enjoins upon the plaintiff to enter all the documents, upon which he relies, in a list and shall produce them in the Court when the plaint is presented. Sub-Rule 3 of Rule 14 vests power in the Court to grant leave to file the documents at a later stage, but such a power has to be exercised only upon the plaintiff satisfying the Court that for convincing reasons those documents could not be filed earlier. It is not the pleaded case of the petitioner that the documents, which he sought to file, were not in his possession earlier. As noted above, his main plea is that since respondent No. 1 concentrated more on the boundaries, he wanted to strengthen his case by adducing further evidence. Such a reason cannot be accepted for permitting a party to file further evidence at a belated stage.

4. As observed by the lower Court, the petitioner has examined himself in the year 2010 and as many as four witnesses on the side of the defendants were examined. At the stage of examination of DW.5, these applications were filed by the petitioner. Not only that the petitioner failed to establish relevancy of the proposed documents for deciding the suit, but also he has utterly failed to convince the Court that despite his due diligence, he could not file the proposed documents earlier.

5. For the above mentioned reasons, the Civil Revision Petitions are dismissed. As a sequel, CRPMP. No. 2404 of 2012, filed by the petitioner for interim relief, is disposed of as infructuous.