

**SUPREME COURT OF INDIA****Date of Decision: 25th January 2024**

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.1249-1250 OF 2024

(Arising out of SLP(Civil) Nos.15634-15635 of 2023)

**BOLLAM KOMALA & ORS. - APPELLANT(S)****VERSUS****PERLA KOMURIAH & ORS. - RESPONDENT(S)****Legislation:**

Code of Civil Procedure

Other relevant property and civil laws (not specified in the order)

**Subject:** Appeal against the High Court of Telangana's decision dismissing revision petitions in a civil property dispute, involving late submission of key documents by the appellants.**Headnotes:**

Civil Appeal – Impleadment of Legal Heirs and Production of Documents – Appeal against dismissal of revision petitions by High Court – Original defendants, legal heirs of late Shri Ananda Rao, sought to be impleaded and produce additional documents in a suit set ex-parte by Trial Court. [Para 2-4]

Civil Procedure – Rule 1A of Order VIII CPC – Application for production of additional documents – Despite failure to submit documents with written statement or before examination of plaintiffs' witnesses, Supreme Court inclined to accept appeals based on reference to documents in written statement and affidavit explaining delay. [Para 6]

Costs and Expedited Trial – Conditional acceptance of appeals subject to payment of costs and direction for expedited trial – Appeals allowed on condition of appellants paying Rs. 40,000/- as costs to respondents and trial to be completed within six months. [Para 7-8]

Decision – Appeals allowed with directions for payment of costs and expedited trial – Trial Court directed to proceed with trial in accordance with law. [Para 9]

**Referred Cases: None.**

**ORDER**

1. Leave granted.
2. The appeal is directed against the impugned order dated 05.06.2023 passed by the High Court for the State of Telangana at Hyderabad in CRP Nos.303 and 304 of 2022, whereby the High Court has dismissed both the revision petitions filed by the present appellants (original defendants).
3. After having heard the learned counsel for the parties and perusing the orders passed by the High Court as well as the Trial Court, it appears that the appellants - defendants are the legal heirs and representatives of the original defendant – Late Shri Ananda Rao, against whom the suit was set ex-parte by the Trial Court.
4. According to the learned counsel for the appellants, after the appellants filed the application seeking their impleadment as defendants in the suit, they have filed their written statement, in which the documents in question have been referred to. He further drew the attention of the Court to the applications filed by them seeking production of additional documents alongwith the affidavit, explaining as to why the said documents were not produced earlier.
5. However, the learned counsel for the respondents – plaintiffs vehemently submitted that the evidence of the plaintiffs' side is already over and the suit being very old of 2012, the same should not be further delayed.
6. It is true that the appellants – defendants should have filed the documents sought to be produced now, alongwith the written statement filed by them and atleast before the examination - cross-examination of

the witnesses examined by the plaintiffs. Nonetheless, having regard to the provisions contained in Rule 1A of Order VIII of the Code of Civil Procedure, and having regard to the fact that the documents in question were already referred to by the appellants in their written statement, as also taking into consideration the affidavit filed by the appellants, explaining the reasons as to why the same were not produced earlier, we are inclined to accept the present appeals.

7. In that view of the matter, we accept the present appeals, subject to imposition of the cost. The appeals are allowed, subject to the appellants paying cost of Rs.40,000/-, to be paid to the respondents – plaintiffs within two weeks from today. On such payment being made, the appellants – defendants shall be permitted to produce the documents as prayed for in their applications.
8. It is directed that the trial shall be expedited and completed in accordance with law, preferably within six months. The parties shall cooperate the Trial Court in proceeding further with the trial.
9. The Civil Appeals are allowed subject to the above.
10. Pending application(s), if any, shall stand disposed of.

© All Rights Reserved @ LAWYER E NEWS

\*Disclaimer: Always compare with the original copy of judgment from the official website.