

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.732 of 2014

ORDER :

Heard the counsel for petitioner and Sri
M.S.R. Subrahmanyam, counsel for
respondents.

2. This Revision is filed under Article 227 of the Constitution of India challenging the Docket Order dt.23.07.2013 in O.S.No.1177 of 2002 on the file of I Additional Junior Civil Judge, Visakhapatnam refusing to permit petitioner/1st defendant herein to mark three documents in their evidence.

3. It is the contention of petitioner/1st defendant that the originals of the three documents sought to be marked by petitioner were destroyed. This plea was specifically raised in para.2 of the Memo filed by counsel for petitioner/1st defendant in the Court below.

4. Under Section 65 (c) of the Evidence Act, 1872, secondary evidence is admissible when the original has been destroyed or lost.

5. The impugned order does not refer to this contention of the counsel for petitioner at all and answer it.

6. Therefore, the impugned order is set aside and the Court below is directed to apply its mind to the contention raised by petitioner, and then decide the issue as to whether secondary evidence of the three documents in question can be received or not.

7. Accordingly, the Revision is allowed with the above directions. No order as to costs.

8. Since the suit is of the year 2002, the Court below shall expeditiously dispose of the suit preferably within six (06) months from the date of receipt of a copy of this order.

9. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-06-2015

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