

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO.1941 of 2015

ORDER:

The plaintiff in the suit is the petitioner in this revision, who challenges the correctness of the orders passed by the Additional Junior Civil Judge at Malkajgiri in I.A.No.40 of 2015 in O.S.No.228 of 2012. I.A.No.40 of 2015 has been filed by the 1st respondent herein, who is the 1st defendant in the suit. He filed the said interlocutory application to receive the amended By Law Nos.5 and 42-A of the 2nd defendant-Society as secondary evidence. That application has now been allowed by the Court. One of the important considerations brought by the Court is that no prejudice will be caused to the plaintiff if the said secondary evidence is allowed to be brought on record. But, however, Sri CMR Velu, learned counsel for the petitioner would urge that the petitioner herein being the plaintiff in the suit should at least be made known as to the contents of the secondary evidence, which is sought to be brought on record, so that, he can examine the relevancy of the said material to the issues raised and liable to be decided in the suit and without examining this, the trial court has ordered the interlocutory application.

There is no difficulty that secondary evidence can be let in, subject of course to the conditions required to be satisfied in that regard. Section 66 of the Evidence Act talks about a notice to be delivered to the society. However, since the plaintiff is also required to know the contents of such secondary evidence, it is only appropriate that the 1st respondent herein, who is the 1st defendant in the suit, shall furnish a true copy of the secondary evidence, which he proposed to bring on record to the counsel for the plaintiff at least 2 days prior to the date the said document is sought to be presented for marking. It shall also be open to the petitioner to raise all such objections including the relevancy of the said documents and the same will be considered in accordance with law by the Court.

Accordingly, this revision stands disposed of.

Consequently, miscellaneous petitions, pending in this petition, shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

03.06.2015

Note: Issue C.C. by 05.06.2015

(B/o)

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