

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

-

C.R.P.No.3193 OF 2015

Between:

Cherukumudi Siva Viswanadha Subramanyam

....Petitioner

A n d

Goduchinta Thyagaraja Reddy
and others

....Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE S.V. BHATT

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.3193 OF 2015

ORDER:

Plaintiffs in O.S.No.101 of 2013 in the Court of the VI Additional District Judge, Nellore, are the revision petitioners.

The revision is directed against the order dated 07.04.2014 In

O.S.No.101 of 2013 on the objection raised by the Court while marking the documents referred therein. Through the order under revision, the learned trial Judge, after considering the legality of documents sought to be marked, necessity to comply with the requirements of the Evidence Act and applying the ratio laid down in **K.V.RAMANA REDDY V. SPECIAL DEPUTY COLLECTOR L.A (2013 (6) ALT 649 (DB)), GARLAPATI VENKATESWARLU (DIED) PER L.Rs v. DIVI APPALACHARYULU (2014 (2) ALT 245), JALDU ANANTHA RAGHURAM ARYA AND OTHERS V. RAJAH BOMMADEVARA NAGA CHAYADEVAMMA AND OTHERS (AIR 1958 AP 418) and SRI LAKHI BARUAH AND OTHERS V. SRI PADMA KANTA KALITA AND OTHERS (AIR 1996 SC 1253)**, held as follows:-

“In the present case, plaintiffs did not aver in the plaint that the original title deeds of his mother and her vendor were lost. The plaintiff came forward with additional affidavit contending that original are lost. As additional affidavit filed by the plaintiff will not cure the defect of laying foundation in the plaint, as suit is filed for declaration of title and recovery of possession, as such, I hold that the plaintiffs are not entitled to mark the certified copy of registered sale deed dated 1.6.1962 stands in the name of Yadlapalli Subrahmanyam and certified copy of registered sale deed dated 1.5.1963 stands in the name of Ch.Subbu Sundaramma and hence the contention raised by the learned counsel for the plaintiffs is rejected.”

Sri P.Sridhar Reddy, learned counsel for the petitioners, while stoutly assailing the above findings, alternatively pray for following the procedure before the documents are introduced in evidence.

As this Court does not see any illegality or irregularity in the order impugned, to afford petitioners an opportunity, the following observation is made:

“That this Court while disposing of the revision has not expressed any view on the entitlement or otherwise of revision petitioners to introduce secondary evidence. Upon such application(s)

being filed before the trial Court, it is needless to observe that the learned trial Judge will consider the applications in accordance with law and pass appropriate orders on merits”.

The revision is dismissed with the above observation.

No costs.

Miscellaneous petitions, if any pending also, shall stand closed.

S.V.BHATT, J

14th August, 2015

Lrkm