

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**CIVIL REVISION PETITION NO.3679 of 2015**

**ORDER:**

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This civil revision petition is filed by the petitioner/plaintiff challenging the docket order dated 06.07.2015, passed by the Junior Civil Judge, Kodad, in I.A.No.832 of 2014 in I.A.No.218 of 2012 in O.S.No.80 of 2012, wherein and whereby the application filed by the petitioner/plaintiff seeking a direction to the respondent/defendant, to produce the original document of the settlement of the parties recorded by Sri Laxminarasimha Rao, Ex.V.R.O, or else petitioner may be permitted to lead the secondary evidence, was dismissed.

Heard Sri V. Brahmaiah Chowdary, learned counsel for the petitioner.

In the impugned docket order one of the reasons stated that the petitioner failed to comply with the procedure contemplated under Section 66 of the Evidence Act (for short "the Act"). In that view of the matter, I do not find any infirmity in the impugned docket order for not directing the respondent/defendant to produce the document in question especially when the respondent/defendant had denied about the very existence of the said document. However, if the petitioner desires to bring on record the documents by way of secondary evidence, he necessarily will have to follow the procedure prescribed under the Act. In the present case, the Court below had dismissed the impugned I.A on the ground that the provisions of Section 66 of the Act did not follow and there is no material placed before this Court to come to a conclusion that the provisions of the Act have been complied with.

Accordingly, the civil revision petition is dismissed giving liberty to the petitioner/plaintiff to approach the Court below by complying with

the provisions of the Act, if he desires to bring on record the documents by way of a secondary evidence. No order as to costs.

Miscellaneous petition, if any pending in this revision petition,  
shall stand closed.

**CHALLA KODANDA RAM, J.**

Date:18.09.2015

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