

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION NO.5852 OF 2012

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ORDER:

This Civil Revision Petition is filed against the order, dated 08-10-2012 in I.A.No.501 of 2012 in O.S.No.103 of 2007 on the file of the Senior Civil Judge, Siddipet.

2. Petitioners herein (defendants) filed the above interlocutory application requesting the Court to receive Photostat copy of agreement, dated 19-04-2007. The trial Court after considering the material on record, dismissed the above application vide impugned order. Aggrieved thereby, the present revision is preferred.

3. It is stated in the affidavit filed in support of the interlocutory application as follows:

“ I am the deponent herein and Government pleader on behalf of petitioners/defendants as such, I know the facts of the case.

I submit that, in the above case, the petitioners/defendants filed attested Xerox copy of agreement, dated 19-04-2007. The above said may be received in the above case and same may be marked as Exhibits.”

4. Respondents herein (plaintiffs) filed counter stating that the Xerox copy is in-admissible in evidence and there was no such letter given by the plaintiffs. The affidavit was sworn by the Government Pleader and no reasons were mentioned in the affidavit for receiving the attested copy. It is further stated that as the Xerox copy is a secondary evidence, the same cannot be admitted.

5. While dismissing the application, the trial Court observed as follows::

“Petitioners herein filed Photostat copy of agreement, dated 19-04-2007, attested by Executive Engineer (R&B) Division, Siddipet. The document filed by petitioners herein is Photostat copy. No reason assigned as

to what happened to the original of this document. In case of Photostat copy of document, before its admission in evidence, it has to be explained what were the circumstances under which the Photostat copy was prepared and who is in possession of original document at the time of its Photograph was taken. On the face of it, the document filed by the petitioners herein is not admissible in evidence. Therefore, the petition has to be dismissed.”

6. The affidavit filed in support of the application clearly shows that no reason was given for receiving the attested copy of agreement, dated 19-04-2007. In the circumstances, the order passed by the learned Senior Civil Judge is perfect and there are no grounds to interfere with the same.

7. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this revision shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 23-11-2015

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