

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.4525 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. The second defendant in O.S.No.51 of 2014 on the file of the Court of the Senior Civil Judge at Shadnagar (for short, trial Court) is the petitioner herein. Respondents 1 and 2 herein filed the said suit for declaration of title in respect of various extents of land in survey Nos.28, 81/1 and 84 of Keshampet Village and Mandal, Mahabubnagar District. In the said suit, the petitioner wanted to mark true copy of the sale deed dated 02.04.1991 issued by the Tahsildar, Keshampet which was available in record in proceedings dated 26.11.2014 in file No.3932 of 2005, which is a private document between the parties and it cannot be called as a certified copy. When the plaintiffs objected for the same, the trial Court by order dated 05.09.2015, upheld the objection of the plaintiffs. Challenging the same, the present Civil Revision Petition is filed.

3. However, if the petitioner/defendant No.2 wants to file the document dated 02.04.1991, he had to comply with the provisions of the Indian Evidence Act, 1872 with regard to leading of secondary evidence, but he cannot exhibit the said document on the basis of the true copy certificate of the Tahsildar, Keshampet without seeking leave of the trial Court.

4. In the circumstances, the order of the trial Court dated 05.09.2015 is correct and it does not call for any interference and hence the Civil Revision Petition is dismissed. But, it will not prevent the petitioner/defendant No.2 from taking appropriate steps in accordance with law. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 28.12.2015

TJMR