

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5194 of 2016

ORDER:

Heard both sides at length.

2. The documents permitted by the impugned order of the lower Court in I.A.No.403 of 2016 in O.S.No.292 of 2006 are the three certified copies of the registered documents viz., two sale deeds and one partition deed. Impugning the said order permitting for its marking subject to proof and relevancy, the revision is filed.

3. This Court also in detail on the scope of law referring to the several expressions of the Apex Court including Bipin Shantilal Panchal vs State Of Gujarat¹, Special Cell, New Delhi Vs. Navjot Sandhu @ Afshan Guru², Shalimar Chemical Works Limited Vs. Surendra Oil and Dal Mills (Refineries)³ and RVEV Gounder Vs Arulmigu Viswesaraswami and V.P. Temple⁴ observed in Sri Kathi Narsinga Rao Vs. Kodi Supriya (C.R.P.Nos.4384 and 4385 of 2015, dated 29.09.2016) that but for any requirement of stamp duty and registration, all other objections in relation to the marking of documents shall be subject to objection in relation to proof, relevancy and

¹ AIR 2001 SC 1158

² 2003 (6) SCC 641

³ (2010) 8 SCC 423

⁴ 2003(8)-SCC 752

admissibility and if no objection raised for secondary evidence while marking, without foundation of primary evidence to adduce, it is a procedural aspect and is deemed as waived. Here, by the impugned order of the lower Court, it permitted the registration extract of the public documents, which are within the meaning of public documents under Sections 74 to 77 of the Indian Evidence Act, to mark subject to objections regarding proof and relevancy ultimately to decide. Hence, there is nothing to interfere with the impugned order.

4. Accordingly, this Civil Revision Petition is disposed of. No costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date: 25.11.2016
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