

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION NO.4172 OF 2015

ORDER:

This Civil Revision Petition is filed challenging the order, dated 14-10-2015 in I.A.No.89 of 2013 in O.S.No.66 of 2011 on the file of the Senior Civil Judge, Dharmavaram.

2. Petitioners herein are the plaintiffs, whereas the respondents herein are the defendants in O.S.No.66 of 2011.

3. Petitioners herein filed the above suit for partition and separate possession of the share of the plaintiffs. In the said suit, the respondents herein filed the above interlocutory application under Order XIII Rule 3 CPC to declare the alleged agreement of sale with endorsements, dated 15-11-2015 and three compromise agreements, dated 17-11-1995 executed by Savitramma, Narayanamma and A.V.Ramana are inadmissible documents.

4. The trial Court after considering the material on record, partly allowed the application declaring the Photostat copy of agreement of sale, dated 15-11-1995 is inadmissible in evidence, but, however, dismissed the application with regard to the rest of the three compromise agreements, dated 17-11-1995. The present revision is filed challenging the portion of the order viz., photostat copy of agreement of sale, dated 15-11-1995 is inadmissible in evidence.

5. Evidently, the document, dated 15-11-1995 is a Xerox copy and the interlocutory application was filed by the respondents herein to declare the said document as inadmissible in evidence on the ground that the said document was included in the list of documents in the affidavit of P.W.1. The stage of marking the said document has not come and even before that stage, the present interlocutory application was filed by the respondents herein seeking to declare the document as inadmissible in evidence. Since the present document is admittedly a photostat copy of agreement of sale, on its own, it is not admissible in evidence unless appropriate steps are taken by the plaintiffs in accordance with the provisions of the Indian Evidence Act, 1872 for marking the said document. This Court does not find any reason to interfere with the order of the trial Court.

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

A.RAMALINGESWARA RAO, J

DATED: 07-01-2016

Hsd