

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.5085 OF 2016

ORDER:

This civil revision petition, under Section 227 of Constitution of India, is filed challenging the order dated 06.09.2016 in I.A. No.654 of 2016 in I.A. No.991 of 2015 in I.A. No.1426 of 2012 in O.S. No.344 of 2012 passed by the Principal Junior Civil Judge, Sangareddy, whereby the trial court received the documents filed along with the petition exercising power under Rule 14(3) of Order VII read with Section 151 of Code of Civil Procedure, 1908 (for short 'CPC').

The respondent herein filed a petition under Rule 14(3) of Order VII of CPC as the same was not entered in the list annexed to the plaint, and therefore, requested to receive the document assigning his own reasons.

However the petitioner herein opposed the petition on various grounds, more particularly, regarding admissibility of document in evidence etc. But his contention needs no repetition in the present revision petition.

While passing the impugned order, the learned principal junior civil Judge made certain observations, at paragraph 10, while adverting to the law declared by the Apex Court in **ANVAR P.V.v. P.K. BASHEER AND OTHERS**¹ regarding admissibility of documents filed along with the petition and held that certificate obtained under Section 65-B of Indian Evidence Act, 1872 filed in the form of affidavit by the petitioner can be received as

¹ 2014(6) ALD 203 (SC)

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document for supporting the C.D., which is earlier received by the court in proceedings in I.A. No.991 of 2015. The contention raised in the counter that the oral evidence must be direct and the respondent herein cannot be permitted to file an affidavit.

The only apprehension before this court is that the trial court recorded a finding about the admissibility of the document while deciding the interlocutory application filed under Rule 14(3) of Order VII of CPC, which the trial court is not supposed to do, as such finding regarding admissibility is beyond the scope of Rule 14(3) of Order VII of CPC

But to clear the doubts or to vanish the apprehension of the parties in their mind, I made it clear that the order under challenge is limited to receive the documents by exercising power under Rule 14(3) of Order VII of CPC and the observations made by the trial court regarding admissibility of document will have no bearing in deciding the admissibility of the document whenever tendered for marking before the trial court.

With the above clarification, the civil revision petition is disposed of, while directing to decide the admissibility of any document or any electronic evidence when tendered for marking. No costs.

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

M. SATYANARAYANA MURTHY, J

Date: 28.10.2016
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