

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P.No.1317 OF 2011

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India by the petitioner/defendant No.1 challenging the order dated 21.02.2011 in I.A.No.1819 of 2010 in O.S.No.2660 of 2006 passed by the III Additional Junior Civil Judge, Ranga Reddy District at L.B.Nagar, dismissing the petition filed under Section 151 of the Code of Civil Procedure (for short 'C.P.C.") not to consider the documents shown in the affidavit of P.W.1 filed in lieu of examination in chief under Order 18 Rule 4 of C.P.C. in O.S. as Exs.A9 to A.27 on the ground that no foundation is laid to adduce secondary evidence as required under Section 65 of the Evidence Act on assigning its own reasons.

As per the Judgment of the Apex Court in **Bipin Shantilal Panchal v State of Gujarat and another**¹, the apex Court held that the admissibility of the document on any ground except on the ground of non payment of stamp duty or improperly stamped can be deferred by the Court even at the time of pronouncing the judgment.

Since the objection is not with regard to the stamp duty, the trial Court is directed to consider the objection along with the main suit about the admissibility of the documents following the principle laid down by the Apex Court in **Bipin**

¹ (2001)3 SCC 1

Shantilal Panchal's case supra, the objection raised in this petition shall be considered at the time of arguments and pass appropriate orders.

With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

13.06.2017
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