

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition No.513 of 2015

ORDER:

The unsuccessful plaintiff filed this revision, under Article 227 of the Constitution of India, having been aggrieved of the orders, dated 21.01.2015, of the learned Senior Civil Judge, Srcilla of Karimnagar District, passed in I.A.No.611 of 2014 in O.S.No.10 of 2012 filed under Section 65 (c) of the Indian Evidence Act, 1872, requesting to permit the plaintiff to lead the secondary evidence by producing and exhibiting the copy of the registered sale deed, dated 05.08.1970, bearing document No.1933 of 1970, to prove the material averments in the plaint in regard to plaintiff's title and possession over the suit schedule property.

2. I have heard the submissions of *Sri V.Ravi Kiran Rao*, learned counsel for the revision petitioner/plaintiff ('the plaintiff', hereinafter) and of *Sri P.V.Narayana Rao*, learned counsel for the respondents/defendants ('the defendants, hereinafter). I have perused the material record.

3. The case of the plaintiff, in support of the aforementioned request, in brief, is this:

The plaintiff brought the suit against the defendants 1 to 4 for declaration that the plaintiff is the owner of the plaint schedule lands and for recovery of vacant possession of the same from the defendants 1 to 3 and also for declaration that the registered sale deed, dated 16.07.2011, bearing Document No.3886 of 2011, executed by the 2nd defendant in favour of the 3rd defendant is null, void and not binding on the plaintiff and for rectification of the wrong entries in the revenue records, other reliefs and for costs. The defendants 1 and 2 having filed a written statement are resisting the suit. The plaintiff filed into Court, the certified copy of the registered sale deed, dated

05.08.1970, bearing document No.1933 of 1970, (hereinafter, CC of the registered sale deed'). The original sale deed was lost and inspite of the plaintiff's best efforts to trace it out, he could not trace it and it was lost beyond recovery. Hence, the plaintiff filed the certified copy of the registered sale deed. The plaintiff has to prove the material averments in the plaint and also his title in respect of the plaint schedule property on the strength of the registered sale deed, the certified copy of which is filed into Court. Therefore, he may be permitted to lead secondary evidence by producing and exhibiting the certified copy of the sale deed in order to substantiate his case and to establish his right, title and interest over the plaint schedule property.

4. At the hearing, the learned counsel for the plaintiff while reiterating the above stated case of the plaintiff would submit as follows:

The document in question is a registered sale deed duly registered in the office of the Sub Registrar concerned. Along with the plaint, the CC of the said original registered sale deed was filed. The original document being of the year 1970 is a more than 30 years old document. In spite of the best efforts, the plaintiff could not trace the original document and it is lost beyond recovery. Therefore, the plaintiff filed the CC of the registered sale deed. The registered sale deed is a private document. Since the original registered sale deed is irretrievably lost and it could not be recovered, a certified copy of the said registered sale deed was obtained from the office of the Sub Registrar concerned and was filed into Court. In the affidavit filed in support of the petition, it is clearly stated that the original is lost beyond recovery and permission is sought to file the CC of the registered sale deed. Thus, a foundation is laid for seeking permission to adduce secondary evidence. The sale deed being of the year 1970 is a thirty year old document and as it is registered, it cannot be said that it is fabricated or forged for the purpose of the suit and in anticipation of a suit to be filed in the year 2012. The CC of the registered sale deed was granted by an authorized Public Officer. The plaintiff

pleaded material averments and filed CC of the registered sale deed along with the plaint. As per settled law, material facts are only needed to be pleaded and evidence need not be pleaded. Mere marking of a document does not amount to proof of its contents and the plaintiff is required to prove the truth, validity and the contents of the document and also its genuineness. By mere granting permission to mark CC of the registered sale deed, no prejudice would be caused as the plaintiff would be required to prove the genuineness of the document and other relevant aspects. The CC of the registered sale deed is admissible in evidence, as per settled law. At the time of deciding the issue 'whether permission shall be granted to adduce secondary evidence or not', the trial Court is not justified in forming an opinion that the document is of doubtful veracity. After the document is permitted to be received in evidence, the plaintiff must be given an opportunity to prove the truth, validity, genuineness, contents and binding nature of the document and the defendants then may be given an opportunity to rebut the evidence and substantiate their defence. The validity, legality and probative value of the document will have to be gone into separately at a later stage, after the document is permitted to be marked by granting permission to adduce secondary evidence. The law permits production and marking of CC of a registered sale deed and, therefore, the contentions of the defendants are untenable and the trial Court erroneously upheld those contentions and wrongly declined to grant permission to produce CC of the registered sale deed as secondary evidence to substantiate the case of the plaintiff. Since the order of the trial Court is erroneous, the said order may be set aside and the plaintiff may be accorded permission to adduce secondary evidence by producing and marking the CC of the registered sale deed.

4.1 The learned counsel for the plaintiff having referred to some of the provisions of the Indian Evidence Act, 1872, (hereinafter, 'Act of 1872') and of

the Indian Registration Act, 1908, (hereinafter, 'Act of 1908'), further relied upon the following decisions:

- (i) Basant Singh v. Brij Raj Saran Singh¹
- (ii) Kalyan Singh v. Smt. Chhoti²
- (iii) The Land Acquisition Officer, Vijayawada Thermal Station v. Nutalapati Venkata Rao³
- (iv) Jamuna Prasad v. Shivnandan⁴
- (v) S.Madasamy Thevar v. A.M. Arjuna Raja⁵

5. The case of the contesting defendants 1 and 2 and the submissions made on their behalf, in brief, are as follows:

The material allegations in the plaint and the affidavit filed in support of the petition are false. The plaint allegations that the plaintiff's father purchased the plaint schedule property under registered sale deed, dated 05.08.1970, and that he was put in physical possession of the same, on the date of the sale itself are false. The owners of the said property did not sell the plaint schedule lands to Veeraiah, the father of the plaintiff, under the said registered sale deed. The said registered sale deed is not executed by the owners of the lands and no consideration passed; and, possession was also not delivered to the vendee under the said document. The said document is a forged and fabricated document. The original document was not filed before any authority at any point of time and no mutation of the property was affected in the revenue records in the name of Veeraiah as per the said sale deed. The plaintiff did not plead in the plaint that the original sale deed was lost and is not traceable, though such a pleading is necessary. The plaintiff, in order to enable him to lead secondary evidence, is required to aver in the plaint that the document was lost and not traceable. Even in the affidavit filed in lieu of examination-in-chief, the plaintiff did not state that the original sale deed was lost and is not traceable. He has stated so, for the first time, in the

¹ AIR 1935 Privy Council 132

² AIR 1990 SUPREME COURT 396 (1)

³ AIR 1991 ANDHRA PRADESH 31

⁴ 2011 Law Suit (MP) 601

⁵ AIR 2000 MADRAS 465

affidavit filed with the subject I.A.No.611 of 2014. The original sale deed was not filed fearing detection of the forgery of the signature and the thumb impression of the 1st defendant and his wife, the 2nd defendant. The law is well settled that the signature on the original document cannot be proved by production of a certified copy. Since the execution of the original sale deed is denied in the written statement and as no foundation is laid for enabling the plaintiff to adduce secondary evidence, the plaintiff cannot be permitted to lead secondary evidence by producing the certified copy of the sale deed. The original document is the best evidence and its non-production necessarily raises a suspicion about the genuineness of the document.

5.1 The learned counsel for the defendants relied upon the following decisions:

- (vi) Stal Das v. Sant Ram⁶
- (vii) Jaldu Ananta Raghuram Arya v. Rajah Bommadevara Naga Chayadevamma⁷
- (viii) Shiv Lal v. Chetram⁸
- (ix) John Mithalal Desai v. Dineshbhai K. Vora⁹

6. Before proceeding further, it is apt to note that the plaintiff in order to substantiate the pleaded case of the plaintiff places reliance on the registered sale deed, dated 05.08.1970, bearing document No.1933 of 1970. The plaintiff while contending that the original sale deed is lost beyond recovery, seeks permission to adduce secondary evidence by producing and exhibiting the CC of the said registered sale deed. The defendants oppose for according permission to the plaintiff to adduce secondary evidence by producing and marking the CC of the registered sale deed. The pleadings, contentions and submissions made on behalf of both the parties are already noted supra. I have gone through the decisions cited and the provisions of law that are relevant.

⁶ AIR 1954 SUPREME COURT 606

⁷ AIR 1958 ANDHRA PRADESH 418 (Vol.45, C.122) (1)

⁸ AIR 9171 SUPREME COURT 2342 (V 58 C 503)

⁹ 1998 A I H C 1894

7. Now, the short but important question is -- 'whether, in the facts and circumstances of the case, the plaintiff can be accorded permission to adduce secondary evidence by producing and exhibiting the CC of registered sale deed?

8. This Court shall now deal with the rival contentions in seriatim.

8.1 Dealing first with the contentions of the defendants that no foundation is laid in the pleadings, i.e., the plaint, and that it is not even stated in the affidavit filed in lieu of the examination-in-chief that the original sale deed was lost and that for the first time, the plaintiff has stated in the affidavit filed in support of the subject petition that the original sale deed is lost and that therefore, the plaintiff cannot be permitted to lead secondary evidence, what is to be noted is that the plaintiff made a reference to the registered sale deed in the plaint and filed CC of the registered sale deed along with the plaint and also referred to the pleaded material averments in the affidavit filed in lieu of examination-in-chief though the plaintiff has not pleaded in the plaint that the original sale deed was irretrievably lost. In the affidavit filed in support of the subject petition, the foundation for adducing secondary evidence is laid. It is settled legal position that every pleading be it the plaint or the written statement shall contain and contain only a concise statement of material facts on which the party relies for his claim or defence but not the evidence by which they are to be proved. At the appropriate stage of trial and before exhibiting the document, the plaintiff pleaded the facts and circumstances which necessitated the adduction of secondary evidence. Hence, the contention of the defendants that no foundation is laid by the plaintiff for adducing secondary evidence needs no countenance. Indeed, the necessary reasons stated and the foundation laid at the relevant time of adducing evidence and seeking the permission for adducing secondary evidence meet the legal requirements and therefore, it can safely be held that in the case on

hand, the necessary foundation is laid at an appropriate stage for seeking permission to adduce secondary evidence. No doubt, it is well settled principle of law that foundation must be first laid for reception of secondary evidence. [See: Stal Das v. Sant Ram (6th supra) and Jaldu Ananta Raghuram Arya v. Rajah Bommadevara Naga Chayadevamma (7th supra)]. In the considered opinion of this Court, even at a time when an objection is raised for adducing secondary evidence, the reasons for adducing secondary evidence can be pleaded or urged and permission can be sought before adducing secondary evidence. Since on facts of the present case, it is now held that at the appropriate stage of the matter, the plaintiff had laid a foundation for reception of the CC of the registered sale deed as secondary evidence of its original, it follows that the factual and the legal requirements in that regard are satisfied.

8.2 The next aspect to be considered is as to whether the CC of the registered sale deed comes within the scope of secondary evidence. At this stage, it is profitable to first refer to the following Sections of the Act of 1872.

Section 64:

Proof of documents by primary evidence:

Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Section 65:

65. Cases in which secondary evidence relating to documents may be given.—

Secondary evidence may be given of the existence, condition, or contents of a document in the following cases:-

(a) When the original is shown or appears to be in the possession or power-

Of the person against whom the document is sought to be proved, or of any person out of reach of, or not subject to, the process of the Court, or

Of any person legally bound to produce it,
and when, after the notice mentioned in Section 66, such person does not produce it;

(b) when the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest;

(c) when the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time;

(d) when the original is of such a nature as not to be easily movable;

(e) when the original is a public document within the meaning of Section 74;

(f) when the original is a document of which a certified copy is permitted by this Act, or by any other law in force in India to be given in evidence;

(g) when the originals consists of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (c) and (d), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In case (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (g), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

63. Secondary evidence. - Secondary evidence means and includes---

(1) certified copies given under the provisions hereinafter contained,

(2) copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies;

(3) copies made from or compared with the original;

(4) counterparts of documents as against the parties who did not execute them;

(5) oral accounts of the contents of a document given by some person who has himself seen it.”

Section 74:

Public documents:-- The following documents are public documents:-

(1) Documents forming the acts, or records of the acts:-

- (i) of the sovereign authority,
- (ii) of official bodies and Tribunals, and
- (ii) of public officers, legislative, judicial and executive, of any part of India or of the Common-wealth, or of a foreign country;

(2) Public records kept in any State of private documents.

Section 75:

Private documents. - All other documents are private

Section 76: Certified copies of public documents.—Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal; and such copies so certified shall be called certified copies.

Explanation,----Any officer who, by the ordinary course of official duty, is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Though a sale deed is a private document made by private individuals, its record is kept in public office in order to facilitate the public to have access to it. Such records of private documents kept in public office are regarded as public documents. The record of a registered sale deed kept in the Sub-registrar's office is public record under Section 74(2) of Act of 1872. Section 51 of Act of 1908 provides for maintenance of certain books, which are meant for entering or filing different documents. In Book 1 maintained under the said section, the registered sale deeds will be entered. Section 57 of the said Act of

1908 authorizes the Registering Officer to allow inspection of the said book No.1 kept in the office and to give copies of entries in the said book to all persons applying for such copies. Thus, Section 74(2) of Act of 1872 has an obvious reference to the records kept under the provisions of Act of 1908. Under Section 76 of Act of 1872 every public officer having custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such copies so certified shall be called certified copies. Under Section 65 (d) of Act of 1872 when the original is a public document within the meaning of Section 74 of the said Act, secondary evidence may be given. Under Section 65(f), when the original is a document of which a certified copy is permitted to be given in evidence, secondary evidence may be given. As already noted, the sale deed entered in Book 1 maintained by the Registrar's office is a public document. The Sub-Registrar concerned, who maintains the said book is competent to give a certified copy of the sale deed entered in the said book. The plaintiff produced CC of the registered sale deed given by the Sub Registrar from the said Book 1 maintained in the office of Sub-Registrar. Therefore, CC of the registered sale deed can be permitted to be filed as secondary evidence of the original sale deed, which is lost and which is not traceable. Further, Section 65(c) of Act of 1872 says that when the original has been lost, secondary evidence may be given. In cases covered by clause (e) or (f) of section 65 of the Act of 1872 certified copy of the document is admissible in evidence. Therefore, CC of the registered sale deed can be permitted to be filed, it being secondary evidence of the registered sale deed, which is lost. In fact, the law is well settled that the certified copy of a registered sale deed can be produced as secondary evidence in the absence of the original. [see: Kalyan Singh v. Smt. Chhoti (2nd supra)]. Further, in The Land Acquisition Officer,

Vijayawada Thermal Station v. Nutalapati Venkata Rao (3rd supra), a Full Bench of this Court, while dealing with the aspect whether a certified copy granted by Sub-Registrar can be the secondary evidence even though it is a copy of a copy as stated in illustration (c) to Section 63 held as under:

“ We have also noticed that certified copies of registered documents marked without objection at the trial have been accepted by the Privy Council in Gopal Das v. Sri Thakurji, AIR 1943 PC 83 as ‘some evidence’ of execution of such a document. Our Supreme Court has held in Nani Bai v. Gita Bai, AIR 1958 SC 706, that in the absence of a registered sale deed ‘for any reason’, its certified copy may be adduced as ‘secondary evidence’. In another case in Bhinka v. Charan, AIR 1959 SC 960 the Supreme Court again held that a rebuttal presumption of genuineness of a certified copy arises under S.79 of the Evidence Act provided that, (as stated in the proviso thereto), the document was executed substantially in the form and manner provided by law. Again in Kalyan Singh v. Chhoti, AIR 1990 SC 396, the Supreme Court has recently held, while dealing with ‘secondary evidence’, under S.63 of the Evidence Act, that in view of S.63(1) read with S.79 of the Evidence Act, ‘a certified copy of a registered sale deed’ may be produced as ‘secondary evidence’ in the absence of the original.

Further, under S.60(2) of the Registration Act, 1908 a certificate of registration shall be some evidence of the document having been duly registered. In fact, the Privy Council has held in Gangamoyi Debi v. Trailukhya Nath, (1906) ILR 33 Cal 537 @page AP38 33 Ind App 60 (PC), that evidence of due registration is itself some evidence of execution against the person by whom the deed purports to be executed. Sir Ford North observed therein:

“The registration is a solemn act to be performed in the absence of a competent official appointed to act as Registrar whose duty it is to be attend to parties during the registration and see that proper persons present are competent to act, and are identified to his satisfaction, and all things done before his signature will be presumed to be done duly and in order. Of course, it may be stated that deliberate fraud upon him has been successfully committed, but this can only be by very much stronger evidence than is forthcoming”. (Emphasis supplied)

The above observations are obviously referable to illustration (e) in S.114 of the Evidence Act, 1877 dealing with the presumption of regularity of official act.”

Therefore, the view of this Court also finds support from the ratios in the cited decisions.

8.3 Dealing finally with the submissions 'that the defendants are disputing the genuineness of the sale deed and are contending that the sale deed being relied upon by the plaintiff is a forged document and that it is never executed by the executant and that no consideration has passed under the said document and that the original sale deed was not filed fearing detection of the forgery of signature and the thumb impression of the 1st defendant and his wife, the 2nd defendant, and that the law is well settled that the signature on the original document cannot be proved by production of a certified copy and that the original document is the best evidence and its non-production necessarily raises a suspicion about the genuineness of the document' and the other related contentions of the defendants, it is apt to note that at the time of admitting any evidence, either primary or secondary, the Court will not evaluate and appreciate the evidence and pre-judge the probative value of the evidence and the said aspects including the veracity of the evidence have to be examined at a later stage when the relevant issues that are settled for determination in the suit are taken up for adjudication. Therefore, all the contentions of the defendants with regard to the truth, validity, genuineness and the binding nature of the sale deed have to be considered by the trial Court at an appropriate later stage but not at the stage of considering the request of the plaintiff to accord permission for adducing secondary evidence by producing the CC of the registered sale deed. It is trite to state that any of the parties, if necessary, may call for the Book containing the entries regarding the disputed sale deed maintained in Registrar's office and other relevant Registers and records to substantiate his or her contentions or disprove the contentions of the opposite party. Therefore, the questions like whether the sale deed is genuine or not; and, whether the presumption available to a 30 year old document would be drawn or not, as the document produced is a certified copy, have to be relegated to a later stage for consideration and determination. Therefore, there is no necessity to refer to the decisions cited

by both the sides on the aspect of the presumption under Section 90 of Act of 1872 to be drawn in respect of 30 year old document and also on the aspect of adverse inference, if any, to be drawn for non production of the original sale deed. Further, as already noted, mere marking of document is no proof of its contents and the permission accorded to the plaintiff to adduce secondary evidence by producing CC of the registered sale deed does not absolve the plaintiff of his legal duty to prove his case as required under facts and in law by adducing the required standard of evidence. It is also true that the genuineness of signature or thumb impression on the original cannot be proved by production of a certified copy [See: Shiv Lal v. Chetram (8th supra)]. However, as already noted, it is for the plaintiff to prove his case by adducing all legal and permissible evidence and mere permission accorded to adduce secondary evidence by producing CC of the registered sale deed will not absolve him of the legal burden and the onus of proof, which are upon him.

9. Dealing further with the aforesaid contentions of the defendants “that a certified copy of registered sale deed cannot be permitted to be admitted in evidence as the defendants’ defence is that the original sale deed is forged and is not a genuine document and that the original document is the best evidence and its non-production necessarily raises a suspicion about the genuineness of the document”, it is profitable to refer to the following decisions:

(i) In *M/s. Hindustan Construction Co. Ltd. v. The Union of India*¹⁰, the Supreme Court while observing that the word ‘copy’ as such is not defined in the Indian Evidence Act had held as follows:

“But we get an idea of what a copy is from the provisions of S.63 of the Evidence Act. That Section *inter alia* defines what secondary evidence means and includes, namely –(i) certified copies as provided in S.76 of Evidence Act, (ii) copies made from the original by mechanical processes which in themselves insure the accuracy of the

¹⁰ AIR 1967 SUPREME COURT 526

copy, and copies compared with such copies and (iii) copies made from or compared with the original. Obviously, therefore, a copy means a document prepared from the original which is an accurate or true copy of the original. In Webster's New World Dictionary, the word "copy" means "a thing made just like another, full reproduction or transcription". What the word "copy" in S.14(2), therefore, requires is that it must be a full reproduction of the original and that it should be accurate or true. When a document is an accurate or true and full reproduction of the original it would be a copy."

(ii) In *Nawab Singh v. Inderjit Kaur*¹¹ the facts and ratio are as follows:

In a suit for perpetual injunction, the appellant therein moved an application seeking production of a rent note from the custody of the respondent. However, the said application was rejected by the trial Court. Later, he moved an application seeking leave of the Court for production of secondary evidence of the rent note. That application was also rejected by the trial Court and the appellant's further appeal was dismissed by the High court. The Supreme Court noted that the prayer of the appellant has been rejected mainly on the ground that the copy of the rent note sought to be produced by the appellant was of a doubtful veracity. In that factual background of the cited case, the Supreme Court had held as follows: "The trial Court was not justified in forming that opinion without affording the appellant an opportunity of adducing secondary evidence. The appellant has alleged the original rent note to be in possession of the respondent. The case was covered by clause (a) of Section 65 of the Indian Evidence Act, 1872..... In our opinion, the ends of justice would be satisfied if the appellant is allowed an opportunity of adducing secondary evidence but subject to terms".

(iii) In *Murtaza Moosavi v. Hemenra v. Shah and another*¹², the question was about the tenant's entitlement to file, as secondary evidence, the photostat copy of a register containing entries of collection of rents from the

¹¹ (1999) 4 Supreme Court Cases 413

¹² 2006 (3) ALD 697

tenants. The tenant's application to lead secondary evidence was opposed on two grounds, viz., photostat copies cannot be received in evidence and that the same are fabricated. When the Rent Controller dismissed the said application of the tenant on the ground that the ingredients of Section 65 of the Indian Evidence Act are not satisfied, this Court having referred to the precedential guidance in the decision of the Supreme Court in *Nawab Singh* (11th supra) allowed the revision of the tenant and granted leave to adduce secondary evidence by producing the Photostat copy of the rent register by observing that the validity, legality and probative value of such evidence will have to be gone into separately by the learned Rent Controller at the time of hearing of the case.

Having regard to the facts of the case and the legal position obtaining and stated supra, this Court holds that the document, which is being sought to be introduced as secondary evidence, being a CC of a registered sale deed, is admissible in evidence as secondary evidence, and, hence, permission cannot be declined on the basis of the contentions of the defendants that its original is not genuine.

10. On the above analysis, this Court finds that the trial Court was in error in not according permission to the plaintiff to adduce secondary evidence by producing and exhibiting the CC of registered sale deed, dated 05.08.1970, bearing document No.1933 of 1970. Viewed thus, this Court finds that the impugned order is liable to be set aside and that the revision deserves to be allowed, subject to certain terms.

11. In the result, the revision petition is allowed and the orders, dated 21.01.2015, of the learned Senior Civil Judge, Srilla of Karimnagar District, passed in I.A.No.611 of 2014 in O.S.No.10 of 2012 are hereby set aside and the said interlocutory application is allowed according permission to the plaintiff to lead the secondary evidence by producing and exhibiting the copy of the

registered sale deed, dated 05.08.1970, bearing document No.1933 of 1970. However, it is made clear that the aspects with regard to the probative value or veracity of the secondary evidence, which is permitted to be given, and the sufficiency or otherwise of the evidence that may eventually be brought on record and the like questions that fall for consideration shall be considered by the trial Court at an appropriate later stage, that is, at the stage of evaluation and appreciation of evidence and when the relevant issues that are settled for determination in the suit are taken up for adjudication.

Miscellaneous petitions pending, if any, also shall stand dismissed.

There shall be no order as to costs.

23rd February, 2017

Note:- L.R copy to be marked
(B/o)
RAR

M. SEETHARAMA MURTI, J

