

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5518 of 2017

ORDER :

This Civil Revision Petition is filed by the petitioner/plaintiff, aggrieved by the docket order dated 30.08.2017 in I.A.No.6146 of 2017 in O.S.No.515 of 2013 passed by the III Additional Chief Judge, City Civil Court, Hyderabad.

Heard before admission learned counsel for the petitioner and learned counsel for respondents 2 to 4 and perused the impugned docket order.

Leave about the admissibility of the secondary evidence subject to objection regarding proof, relevancy and admissibility, pursuant to the expression of the Apex Court in *Bipin Shantilal Panchal v. State of Gujrat*¹. Here, what the trial Court observed is there is nothing to say that the so called original document in the custody of the other side and not even notice to produce. Once such is the case, there is nothing to interfere with the docket order, but for, the petitioner to take steps if at all it is in the custody of the other side to issue notice to produce, as contemplated by Order XII Rule 8 C.P.C. otherwise if there is foundation that the document is in the custody of the other side by invoking Order XI Rule 14 C.P.C.

¹ 1996 SCC (1) 718

With the above observations and subject to the compliance, for determination on own merits, the Civil Revision Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:30-10-2017

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