

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.6115 OF 2017

O R D E R

This civil revision petition under Article 227 of the Constitution arises out of the order dated 13.09.2017 passed by the learned Special Sessions Judge for Trial of Cases under SCs & STs (POA) Act-cum-VII Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.411 of 2017 in O.S.No.111 of 2013. The said I.A. was filed by the 9th defendant in the suit, the 1st respondent herein, under Order 8 Rule 1-A(3) CPC seeking leave of the Court to file certain documents—(1) CC of judgment and decree passed by the Hon'ble III Additional Senior Civil Judge, R.R.District, in O.S.No.1303 of 2005 dated 30.09.2009, (2) CC of judgment and decree passed by the Hon'ble High Court in A.S.No.732 of 2009 dated 27.12.2012, (3) CC of order passed by the Hon'ble High Court in Rev.A.S.M.P.No. 3072 of 2013 dated 16.06.2014, and (4) CC of order passed in A.S.M.P.No.1012 of 2014 dated 16.06.2014. By the order under revision, the trial Court allowed the said I.A. Aggrieved thereby, the plaintiff in the suit is before this Court.

Heard Sri Vijay B.Paropkari, learned counsel for the petitioner/plaintiff, and Sri K.G.Krishna Murthy, learned senior counsel appearing for Sri Gokula Rama Rao, learned counsel for the 1st respondent/9th defendant.

Sri Vijay B.Paropkari, learned counsel, fairly concedes that in so far as the order dated 16.06.2014 passed by the High Court in Review A.S.M.P.No.3072 of 2013 and the order dated 16.06.2014 passed in A.S.M.P.No.1012 of 2014 are concerned, the same were subsequent to filing of the written statement by the 9th defendant and

therefore, the same would obviously find no mention in the written statement. He would further state that he has no objection to the marking of the judgment dated 30.09.2009 passed in O.S.No.1303 of 2005. He would however object to the marking of the judgment dated 27.12.2012 in A.S.No.732 of 2009. Learned counsel would point out that reference was made in the written statement to the said judgment in A.S.No.732 of 2009, but no explanation whatsoever was offered by the 9th defendant as to why he failed to produce a copy thereof along with the written statement. Learned counsel would also state that his client is not a party to the said first appeal.

Sri K.G.Krishna Murthy, learned senior counsel, would point out that the documents sought to be filed by his client are all judgments and orders passed by the Court and that the petitioner/plaintiff can have no valid or tenable grievance as to the marking of the same before the trial court.

Sri Vijay B.Paropkari, learned counsel, would place reliance on **STATE OF BIHAR V/s. SRI RADHA KRISHNA SINGH**¹. Therein, the Supreme Court observed as under:

‘**133.** The cumulative effect of the decisions cited above on this point clearly is that under the Evidence Act a judgment which is not inter partes is inadmissible in evidence except for the limited purpose of proving as to who the parties were and what was the decree passed and the properties which were the subject matter of the suit. In these circumstances, therefore, it is not open to the plaintiffs-respondents to derive any support from some of the judgments which they have filed in order to support their title and relationship in which neither the plaintiffs nor the defendants were parties.....’

Learned counsel would therefore state that except for the limited purpose of proving as to who the parties were; what was the

¹ AIR 1983 SC 684

decree passed and the properties which were the subject matter of the suit, the judgment in question is not admissible. He would state that he has no objection to the marking of the said judgment to this limited extent.

Sri K.G.Krishna Murthy, learned senior counsel, would concede that marking of the first appeal judgment for this limited purpose would be sufficient.

The civil revision petition is accordingly disposed of observing that the trial Court shall be mindful of the observations made by the Supreme Court in para 133 of **SRI RADHA KRISHNA SINGH¹**, while considering the judgments and orders in question. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

15th DECEMBER, 2017

**Note: Issue C.C. by 18.12.2017
(B/o) Svv**

SANJAY KUMAR, J