

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.2586 of 2018

ORDER:

Heard both sides and perused the impugned order of the lower Court, the grounds of revision and the deposition taken rightly or wrongly from the additional chief affidavit as further chief examination and recorded the cross examination and where, in the course of chief examination, four documents through PW.4 marked, which are Exs.P10 to 13. Out of which Exs.P11 and P12 are the Xerox copy of marriage certificate dated 13.11.2015 in relation to the marriage of the 1st petitioner and one Shaik Mahaboob Basha in the motor accident claim in MVOP No.133 of 2013 pending before the court and Ex.P12 is another Xerox copy of agreement dated 18.03.2016 executed by Shaik Mahaboob Basha in favour of 1st petitioner-Shaik Haseena.

2) In fact, in the course of marking, Exs.P11 and P12 are marked subject to admissibility etc., objections raised to decide ultimately at the final hearing and there from cross examined the witnesses. Once such is the case, there is nothing in the revision to interfere, that too, law is fairly settled more particularly from the expression of the Apex Court in Bipin Shantilal Panchal v. State of Gujarat¹ that any objection regarding marking of

¹ AIR 2001 SC 1158

documents other than stamp duty and registration shall not be decided instantaneously but to decide finally and the marking must be subject to objection regarding proof, relevancy and admissibility or otherwise. So far as secondary evidence by Xerox copy concerned that objection is already recorded as to the proof, relevancy and admissibility. Hence, there is nothing to interfere in the revision against the order where in the course of deposition Exs.A11 and 12 marked are subject to objection regarding proof, relevancy and admissibility. So far as Urdu translation of the documents in dispute concerned, the Court has to direct the party to file the translation and supply to the other side including for the Court record.

- 3) Accordingly, the Civil Revision Petition is disposed of.
- 4) Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.05.2018

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