

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.3726 OF 2018

ORDER:

Heard Mr.Venkateshwar Varanasi, counsel for the petitioner and Mr.Potluri Srinivasa Rao, counsel appearing for the 2nd respondent.

2. The petitioner through I.A.No.175 of 2018 sought leave of the Court to receive the decree and judgment in O.S.No.302 of 2006 and also photographs with CD filed along with objections. The learned trial Judge, allowed the application except the documents mentioned at Sl.No.20, photographs and CD. Hence, the Civil Revision Petition.

3. The objection for receiving photographs and CD is that they are not originals. This Court is of the view that the objection now raised by the 2nd respondent/plaintiff ought not to have been considered at this stage of the matter. The 2nd respondent/plaintiff may have objections in law and also relevancy, proof etc., but that could have been left open while these documents are actually tendered in evidence by the revision petitioner. The Court once is convinced with the reasons stated for not marking one set of documents, for very same reason, ought to have granted leave to produce the photos and the CD. At this stage, the Court takes note of the objections raised by Mr.Potluri Srinivasa Rao that the photographs should be allowed to be received in evidence without handwritten explanation on any of them, on location etc., which are matters of evidence independently let in. He further contends that the details given along with the photographs cannot and could

not be received in evidence. This Court is in agreement with the objection raised by Mr.Potluri Srinivasa Rao and the same amounts to explaining the location etc., in a way not provided by law.

4. Therefore, the Civil Revision Petition is ordered. The 2nd respondent is given liberty to raise the objections available in law and effect of those documents/evidence as well at the time when the document is tendered in evidence and further, it is specifically directed that the written portion to be deleted while receiving the photographs and CD. The revision petitioner is directed to file photos afresh without the handwritten explanation on the paper on which the photos are pasted. The trial Court considers disposing of the suit within a period of two (2) months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

OCTOBER 03, 2018
YVL

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Dt: 03.10.2018

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