

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2328 of 2012

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the order dt.16.03.2012 In O.SNo.1899 of 2010 passed by VI Junior Civil Judge, City Civil Court, Hyderabad, refusing to receive the certified copy of the Sale Deeds dt. 12.12.1964 and 14.10.1965 and 06.10.2006 executed by D.1 to D.5 in favour of D.6 and certified copy of the Sale Deed with plan dt. 04.06.1981 on the ground that no permission was obtained to let in secondary evidence though the certified copies of the sale deeds would fall within Section 65 of the Indian Evidence Act placing reliance on a judgment reported in *State of Haryana v Ramsingh*¹, but the above judgment has no application to the present facts of the case.

Thought notices were served on the respondents and proof of service is filed, none appeared for the respondents.

In the facts of the above judgment, an attested copy of the document was filed and sought to be received as secondary evidence under Section 65 of the Evidence Act. But here in this case, certified copies were obtained from the Registering Authority and they come under the definition of secondary evidence under Section 62 of the Indian Evidence Act and they can be received without any prior permission when they filed along with the suit itself since these documents are supposed to be in the custody of the vendee of the property. Therefore, the Order passed by the Court below is erroneous and the same is hereby

¹ 2001 (6) SCC 254

set aside while directing the trial Court to mark those documents and dispose of the suit in accordance with law.

In the result, this Civil Revision Petition is allowed setting aside the dt.16.03.2012 In O.S.No.1899 of 2010 passed by VI Junior Civil Judge, City Civil Court, Hyderabad.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 15-03-2018

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