

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

CIVIL REVISION PETITION No.6635 OF 2018

Date:16.11.2018

Between:

N.Pradeep, S/o. N.Gansham,
Aged about 75 years, Occ: Retired Employee,
R/o. H.No.2-2-1106/C, II Floor,
Tilaknagar, Golconda,
Hyderabad and others

... Petitioners

Vs.

N.Sandya, S/o. Late Sri N.Dananjay,
38 years, Occ: Housewife,
R/o.H.No.2-3-643/1/A/3, Premnagar,
Amberpet, Hyderabad and others

... Respondents

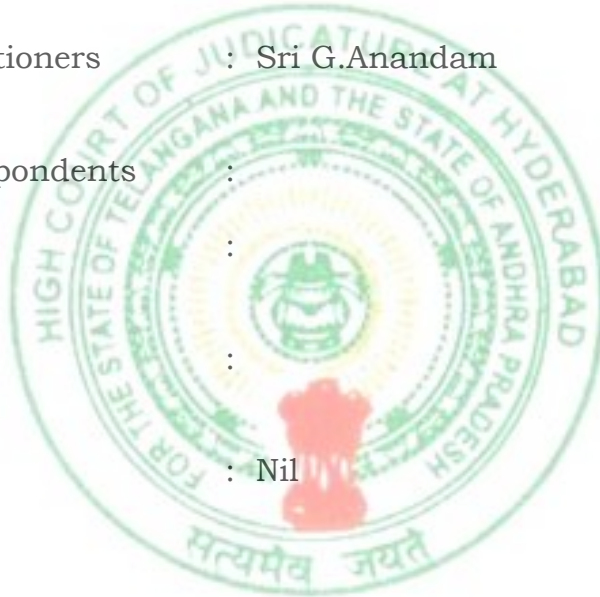
Counsel for Petitioners : Sri G.Anandam

Counsel for Respondents :

Gist :

Head Note :

Cases Referred : Nil



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ORDER:

Aggrieved by the refusal of the Court below to receive Xerox copies of the Memorandum of Understanding and three other documents, the defendants in a suit for declaration of status and permanent injunction, have come up with the above revision.

Heard Mr.G.Anandam, learned counsel for the petitioners.

Persons seeking to lead secondary evidence are required to plead certain bare minimum facts. The affidavit filed by the petitioners in support of I.A.No.462 of 2018 is so short that without consumption of pages, it can be extracted as follows:

"1. I am the defendant No.3 herein and deposing as DW1 as such I am well acquainted with the facts of the case, and also I am authorised to file affidavit on behalf of remaining three other defendants 1, 2, 4, and defendant No.1&2 are my parents and 4th one is my younger brother. If necessary, one of the defendants may put as witness as DW2 before this Hon'ble court.

2. I further submit that at the time of filing the written statement these 1 to 4 documents filed and by serving copy to the other side. But I came know that without the petition U/s.66 of evidence act these documents cannot be marked under secondary evidence. This fact I came to know that at the time of filing my chief affidavit. So that the under secondary evidence filed petition U/s.66 of evidence act to mark the Xerox copy Memorandum of Understanding, with regard to this, notice issued to counsel of Plaintiff and plaintiffs' counsel so receipts of registered post and acknowledgment cards are filed which are to be marked.

In view of the above said facts that this Hon'ble court may be pleased to receive the document to mark the Xerox copy of Memorandum of Understanding and 3 other documents and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case."

A perusal of the above averments would show that the petitioners did not deserve an order that they wanted. Nothing more is required.

Learned counsel for the petitioners contended that a strong foundation has been laid in the written statement itself and that the petitioners had also issued a notice to produce the documents to the plaintiffs.

If that is so, the petitioners can always request the Court to draw adverse inference, if they are able to prove their contentions in the

written statement. Therefore, leaving this liberty to the petitioners, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

16th November, 2018
JSU



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