

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HONOURABLE SRI JUSTICE M. GANGA RAO

+ W.P.NO.40103 of 2017

% Date: 13-07-2018

Between:

Ch. Gopinath S/o. Ch. Rama Rao
R/o. 6-1-621, Plot No.29,
Phase-I, Near SBI, Main Road,
Vanasthalipuram, Hyderabad-5—070.

... Petitioner

And

The Hon'ble VII Senior Civil Court,
Rep. by its VII Senior Civil Judge,
(Administrative Side),
Ranga Reddy District at L.B. Nagar.

... Respondent

! Counsel for the Petitioners : Mr. Ch. V. Prasad Babu

^ Counsel for Respondent : Mr. J. Anil Kumar, S.C. for TAP

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> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

W.P.NO.40103 of 2017

ORDER: (per VRS,J.)

The only grievance of the petitioner is that the trial court has returned his copy application on the ground that the docket orders cannot be issued.

2. Heard Mr. Ch. V. Prasad Babu, learned counsel for the petitioner and Mr. J. Anil Kumar, learned Standing Counsel for the respondent.

3. The petitioner is the 275th defendant out of 291 defendants in a suit for declaration of title. He filed a copy application in C.A.No.26669 of 2017, seeking certified copies of three documents, viz., (1) docket order dated 21.08.2017 in O.S.No.955 of 2017; (2) docket order dated 03.10.2017 in O.S.No.955 of 2017; and (3) copy of the plaint dated 22.06.2017.

4. The above copy application was returned by the trial Court on the ground that the docket orders, which are the minutes of the Court proceedings, cannot be issued. Hence the petitioner has come up with the above writ petition.

5. In the counter affidavit, the respondent has relied upon Rule 188 & 189 of the Civil Rules of Practice, which read as follows:

“Chapter XV: Copies and copyists Establishment Certified Copies:

188. Persons entitled to apply for copies:-

- (1) Any party to a suit or proceeding shall be entitled to obtain copies of judgments, decrees, or orders made or of any documents exhibited in such suits or proceedings on payment of charges in the manner prescribed under the rules.

- (2) Any person who is not a party to a suit or proceeding requiring copies of judgments, decrees or orders made or of any documents exhibited in such suit or proceedings, may apply to the Court for grant of such copies by duly stamped petition supported by an affidavit stating the purpose for which the copy is required.

Provided that, in case of doubt whether, the copy applied for should be furnished, the application shall be placed before the Judge for his decision. If the application is refused by the judge it shall be returned to the applicant with the order of judge endorsed on it.

189. Copies of Confidential papers:- Says nothing in these rules shall entitle a person to a copy of (a) judge's Notes or minutes, (b) Correspondence not strictly judicial, and (c) confidential correspondence."

6. The respondent seems to have thought that docket orders are confidential proceedings. But we do not think so. In fact, after the advent of computerisation, the Courts are insisting upon uploading every docket order. As a matter of fact, all civil Courts are supposed to keep A-Diaries, where docket proceedings are entered. These A-diaries are not kept in the safe custody of the learned Judge. A-diaries are always kept open for perusal in the Court hall. Therefore, there is nothing confidential about the orders passed in the docket except in cases where there are matrimonial disputes, where there are protected witnesses or where there are child witnesses. It is only in those cases due to the special nature of the parties involved, that the proceedings themselves become confidential. Docket orders, de hors the main proceedings, do not become confidential in any case. They either become confidential along with pleadings themselves or become non-confidential.

7. Therefore, the writ petition is allowed permitting the petitioner to represent the copy application bearing No.26669 of 2017, and directing the trial Court to issue copy of the docket orders and plaint to the petitioner. There shall be no order as to costs.

8. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

V.RAMASUBRAMANI AN, J.

M. GANGA RAO, J.

13th July, 2018
Js



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M. GANGA RAO

W.P.NO.40103 of 2017

(per VRS, J.)



13th July, 2018

Js.