

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.525 of 2019

ORDER :

Heard Ms.K.Annapurna Reddy, learned counsel for petitioner and Sri M.Damodar Reddy, learned counsel for respondents.

2. This Revision is filed under Article 227 of the Constitution of India challenging the order dt.21-01-2019 in I.A.No.489 of 2018 in O.S.No.284 of 2014 of the Senior Civil Judge at Shadnagar.

3. Petitioner herein is 4th plaintiff in the suit.

4. Petitioner filed I.A.No.489 of 2018 requesting the Court below to receive photocopy of the legal notice dt.23-09-2013 issued on behalf of the plaintiffs to the defendants as secondary evidence, stating that the office copy of the notice was misplaced and could not be traced and the photocopy may be received in evidence.

5. This application is dismissed by the Court below on the ground that only original can be filed and photocopy cannot be received.

6. Assailing the same, this Revision is filed.

7. The view of the Court below that only original should be filed and photocopy cannot be received is clearly perverse because even Section 65 of the Evidence Act, 1872 permits secondary evidence to be adduced when the original is lost.

8. Therefore the Civil Revision Petition is allowed; the order dt.21-01-2019 in I.A.No.489 of 2018 in O.S.No.284 of 2014 of the Senior Civil Judge at Shadnagar is set aside; and the said I.A. is allowed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 31-07-2019

Vsv

