

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CRP. No.1228 of 2019

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.05.02.2019 passed in order Dis.No.835 of 2019 by the Principal District and Sessions Judge, Ranga Reddy district permitting reconstruction of the (17) documents, which according to the respondent/plaintiff, had been filed along with the plaint in O.S. No.1171 of 2008, which were misplaced in the Court premises.

2. The impugned order had been passed after an enquiry was conducted for tracing the missing documents, and after best efforts of the Court of the I Additional Senior Civil Judge, Ranga Reddy District, they were not traced out. The said Judge had addressed a letter to the Principal District and Sessions Judge, Ranga Reddy District on the administrative side to permit him to reconstruct the said documents and the Court then granted such permission through the impugned order.

3. Copy of the documents filed along with plaint indicates that 17 original documents have been referred to therein. The suit was admittedly numbered and at no point of time the Court had disputed that the documents filed along with the plaint were not original, though the petitioner disputed the genuineness of the documents filed along with the plaint in the written statement filed by him.

4. The reconstruction of documents, whether they are lost, burnt or misplaced not on account of fault of either parties, is clearly covered under the Court's inherent power under Section 151 CPC¹. This legal position has not been disputed by the counsel for the petitioner.

5. He, however, contends that secondary evidence cannot be allowed to be permitted and relies on the judgment of the Supreme Court in **Shalimar Chemical Works Ltd Vs. Surendra Oil & Dal Mills (Refineries) & Ors.**² But the said decision admittedly did not deal with a situation where documents filed in the Court got lost or misplaced without the fault of the either of the parties. Therefore, the said judgment has no application.

6. Therefore, I do not see any error of jurisdiction in the order passed by the Principal District and Sessions Judge, Ranga Reddy District permitting reconstruction of the (17) original documents filed in O.S. No.1171 of 2008 by the I Additional Senior Civil Judge, Ranga Reddy District. However, the petitioner is entitled to raise whatever objections as are permitted to him under law to the said documents at the time of recording the evidence.

¹ (1987) 2 Ker LT 537, 1988 Allahabad Law Journal (70), AIR 1993 124 (126) DB.

² 2010 (8) SCC 423

7. In the result, this Revision fails and is dismissed. There shall be no order as to costs.

8. As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 25.06.2019
LSK

