

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CRP.No.2504 of 2019

ORDER:

This Revision is filed by the petitioner aggrieved by the order dated 19.08.2019 passed in I.A. No.362 of 2019 in O.S.No.1537 of 2013 by the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad.

It is the case of the petitioner that he filed I.A. No.362 of 2019 in O.S.No.1537 of 2013 under Section 65 (a) and (c) of the Indian Evidence Act read with Section 151 CPC praying the Court below to receive the Xerox copy of letter No.PGF/PERS/2001/415, dated 01.08.2001 as secondary evidence. The Court below vide impugned order dated 19.08.2019 dismissed the said application holding that the petitioner failed to prove that the document letter dated 01.08.2001 is in possession of the respondent and hence the Xerox copy of the document, which is alleged to be forged one cannot be received. Assailing the same, petitioner filed the present Revision petition.

Learned counsel for the petitioner would submit that the original has been misplaced and in the absence same Xerox copy of it can be accepted and treated it as

secondary evidence. In support of his claim he placed reliance in the judgment rendered by the Division Bench of this Court in CRP.No.2399 of 2018 wherein this Court has observed that in the absence of original Xerox copies can be treated as secondary evidence.

In view of the same, this Revision Petition is allowed directing the Court below to consider the Xerox copy, which is subject matter in I.A.No.362 of 2019 in O.S.No.1537 of 2013 and be taken on record. There shall be no order as to costs.

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

JUSTICE T.AMARNATH GOUD

Date: 16.12.2019
LSK