

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2553 of 2016

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendant Nos.1 to 6 and 10, challenging the order, dated 12.02.2016, passed in I.A.No.22 of 2016 in O.S.No.45 of 2005, by the XIV Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, Hyderabad.

2. On a petition filed by the petitioners/defendant Nos.1 to 6 and 10 requesting the Court below to receive the documents mentioned in the list annexed thereto, the Court below received some documents in evidence and refused to receive some other documents in evidence. Aggrieved by the same, the petitioners/defendant Nos.1 to 6 and 10 filed the present Civil Revision Petition.

3. Heard the learned counsel for both sides and perused the record.

4. In the course of submissions, it is brought to the notice of this Court that when document Nos.4, 5, 6, 7 and 18 were filed before the Court below under the list of documents, the Court below had taken an objection with regard to the receipt of those documents in evidence that those documents are not admissible in evidence.

5. Both the counsels have conceded that the said documents, when tendered in evidence, are required to be examined by the Court below and a decision is required to be taken whether to mark those documents or not.

6. It is relevant to state that if a document is insufficiently stamped or not stamped at all, whether to receive them in evidence or not, on curing the defect in terms of the Indian Stamp Act, be examined at the time of tendering the document in evidence.

7. So, leaving open with regard to the marking of the documents by the Court below, subject to law applicable, the impugned order dated is set aside.

8. Accordingly, this Civil Revision Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

20th September, 2019
Bvv

Dr. SHAMEEM AKTHER, J