

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5772 of 2018

ORDER:

This Revision is filed challenging the order dt.23.07.2018 in I.A.No.2011 of 2018 in O.S.No.548 of 2013 of the Chief Judge, City Civil Court, Hyderabad refusing to receive the documents sought to be filed by the petitioner.

2. Admittedly, the suit is filed for recovery of money on the basis of promissory notes and cheques issued by the respondent. It is also not in dispute that the petitioner had filed CC.Nos.193 of 2013 and 194 of 2013 before the XIV Special Magistrate, Hyderabad invoking Section 138 of Negotiable Instruments Act, 1882.

3. Since the originals of the promissory notes and cheques had been filed in the said criminal proceedings, petitioner wanted to file certified copies of the documents, which he had filed in the said CCs, in the suit, which is now coming up for trial invoking Order VII Rule 14 CPC.

4. Respondent filed counter opposing the said application stating that they are inadmissible in evidence and cannot be received and marked. He also stated that CC.Nos.193 of 2013 and 194 of 2013 have already been disposed of and the petitioner can as well obtain the originals from the Criminal Court and file them in the suit.

5. By order dt.23.07.2018, the said application was dismissed.
6. Challenging the same, this Revision is filed.
7. Admittedly the orders of the Criminal Court have been challenged by way of appeals before the Sessions Court and are pending there. Therefore, the petitioner cannot be deprived of an opportunity to file certified copies of the documents, which he had filed in the Criminal Court, in the civil suit.
8. The Court below however, without applying its mind to the fact that the appeals are still pending against the orders passed in the criminal cases, simply relied on the disposal of the criminal cases by the trial Court, and stated that petitioner is at liberty to take originals from the concerned Court and file the same.
9. This view of the trial Court cannot be sustained because the appeals against the orders of the trial Court in the criminal cases are still pending.
10. Accordingly, this Civil Revision Petition is allowed; the impugned order dt.23.07.2018 in I.A.No.2011 of 2018 in O.S.No.548 of 2013 of the Chief Judge, City Civil Court, Hyderabad is set aside and the said I.A., is allowed. The Court below is directed to receive the documents sought to be submitted by the plaintiff, subject to relevancy and admissibility to be decided at the time of trial. No order as to costs.

11. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

14th June, 2019.

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