

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.7817 of 2018

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the docket order dt.19-11-2018 in O.S.No.443 of 2011 of the VII Senior Civil Judge, City Civil Court, Hyderabad.

2. Petitioners herein are defendant Nos.1 and 2 in the suit.
3. The 1st respondent herein filed the said suit against petitioners for recovery of money.
4. Pending the said suit, the 1st respondent wanted to mark some documents which were obtained under the Right to Information Act, 2005 from the A.P. Beverages Corporation Limited.
5. Petitioners objected to the same stating that they are not public documents under Section 65-B of the Evidence Act, 1872 (for short 'the Act').
6. Learned counsel for 1st respondent contended in the Court below that A.P. Beverages Corporation Limited is also a Government Organization and that the documents obtained from their record are public documents.
7. The Court below over-ruled the objections of the petitioners and held that A.P. Beverages Corporation Limited is a Government

Organization and the documents were the demand drafts drawn in favour of the said Organization.

8. Challenging the same, this Revision is filed.

9. Learned counsel for petitioners contended that Section 74 of the Act defines what public documents are and the documents in question do not fall in the category of public documents as per the said definition.

10. Learned counsel for 1st respondent supported the order passed by the Court below.

11. I have noted the contentions of both sides.

12. Section 74 of the Act states:

“74. Public Documents:- The following documents are public documents:--

(1) Documents forming the acts, or records of the acts--

(i) of the sovereign authority,

(ii) of official bodies and Tribunals, and

(iii) of public officers, legislative, judicial and executive, of any part of India or of the Commonwealth, or of a foreign country;

(2) Public records kept in any State of private documents.”

13. The documents which would be considered to be public documents are the documents which fall within the category mentioned in sub-Section (1) of Section 74 of the Act as aforesaid. They have to be therefore documents forming acts, or records of the acts, of the Sovereign Authority or of Officials bodies and Tribunals

and of public officers, Legislative, Judicial and Executive of any part of India or of the Common Wealth or of a foreign country. Section 75 of the Act states that all other documents are private.

14. A.P. Beverages Corporation Limited is not a sovereign authority nor is a part of the Legislature, Judiciary or the Executive of this Court or of foreign country. It is not a Tribunal or Official body either, but it is a Company registered under the Companies Act, 1956 as a Government Company. Therefore the documents sought to be marked by 1st respondent which he had procured from the said Corporation cannot be termed to be public documents and the Court below could not have permitted them to be marked on the part of 1st respondent.

15. Accordingly, the Civil Revision Petition is allowed and the order dt.19-11-2018 in O.S.No.443 of 2011 of the VII Senior Civil Judge, City Civil Court, Hyderabad is set aside. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-08-2019

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