

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE
PRESENT**

**THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY
CIVIL REVISION PETITION NOS: 2233 & 2236 OF 2024**

CIVIL REVISION PETITION NO: 2233 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the Common Order dated 12.06.2024 passed by the Chief Judge, City Civil Court, at Hyderabad in IA.No.4201/2023 in O.S.No.804/2019;

CIVIL REVISION PETITION NO: 2236 OF 2024:

Petition under Article 227 of the Constitution of India aggrieved by the Common Order dated 12.06.2024 passed by the Chief Judge, City Civil Court, at Hyderabad in IA.No.4200/2023 in O.S.No.804/2019;

Between:

A.Ananth Sathya, S/o. A.S.Narayana, Aged about 44 years, Occu- Pvt. Employee in Dubai, Flat No.301, K.S.L., Golden Edifice, Somasundara Nagar, Bagh Amberpet, Hyderabad - 500 013

Rep. by its GPA Holder K.G.S.Anil, S/o. late K.Z.Sanjeeva Rao

...PETITIONER/RESPONDENT/DEFENDANT IN BOTH PETITIONS

AND

K.Aravinda Babu, S/o. K.Ramchandraiah, Aged about 69 years, Occu-Business, R/o. Flat No.301, Hemadurga Prestige Plot No.64, Gautami Enclave, Kondapur, Hyderabad - 500 084

...RESPONDENT/PETITIONER/PLAINTIFF IN BOTH PETITIONS

IA NO: 3 OF 2024 IN CRP.NO.2233 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in suit OS No.804/2019 on the file of the Court of the Chief Judge, Civil Court, at Hyderabad,

IA NO: 2 OF 2024 IN CRP.NO.2236 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in suit OS No.804/2019 on the file of the Court of the Chief Judge, Civil Court, at Hyderabad,

**Counsel for the Petitioner :SRI. N PRAVEEN REDDY IN BOTH PETITIONS
Counsel for the Respondent :SRI VEDULA SRINIVAS, SENIOR COUNSEL
APPEARING FOR SMT VEDULA CHITRALEKHA**

The Court made the following: ORDER

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

CIVIL REVISION PETITION Nos.2233 and 2236 of 2024

COMMON ORDER:

Civil Revision Petition No.2233 of 2024 is filed challenging the common order, dated 12.06.2024, passed by the Chief Judge, City Civil Court, Hyderabad, in respect of I.A.No.4201 of 2023 in OS.No.804 of 2019.

2. Civil Revision Petition No.2236 of 2024 is filed challenging the common order, dated 12.06.2024, passed by the Chief Judge, City Civil Court, Hyderabad, in respect of I.A.No.4200 of 2023 in OS.No.804 of 2019.

3. Since the issue involved in both the Civil Revision Petitions is interconnected, both the Revision Petitions are heard together and are being disposed of by common order.

4. The revision petitioner is defendant and respondent herein is plaintiff in the suit before the trial Court.

5. For convenience, hereinafter the parties will be referred to as they are arrayed in the suit.

6. Heard Sri N.Praveen Reddy, learned counsel for the revision petitioner and Sri Vedula Srinivas, learned senior counsel appearing for Smt. Vedula Chitralekha, learned counsel on record for respondent. Perused the entire material available on record.

7. The succinct facts of the case necessary for adjudication of the present Revision Petitions are that the plaintiff filed the suit for recovery of a sum of Rs.59,92,856/- along with interest thereon. The defendant appeared and filed written statement, issues were framed by the trial Court and the matter was coming up for evidence on plaintiff's side. At that stage, the plaintiff filed two applications, vide IA.No.4200 of 2023 under Order VII Rule 14 CPC praying the Court to receive copy of GPA, office copy of reply issued by plaintiff to Income Tax Officer, Statement of Account of plaintiff from 01.01.1999 to 31.03.1999 and e-mail dated 23.07.2023 sent by plaintiff to defendant. The plaintiff also filed another application in IA.No.4201 of 2023 praying the Court to receive copy of General Power of Attorney dated 15.02.2016 as secondary evidence.

8. The defendant filed counter resisting the said applications. However, the trial Court vide the impugned common order allowed both the applications. Challenging the said common order, the defendant filed the present Revision Petitions.

9. Learned counsel for the petitioner/defendant contended that the documents now sought to be placed on record were never part of pleadings in the plaint and further, office copy of reply dated 28.09.2019 purported to have been issued by the plaintiff to Income Tax Officer is also not been referred to in the plaint and the e-mail dated 23.07.2023 sent to defendant by the plaintiff is subsequent to filing of the suit and the same is created only for the purpose of filing the photostat copy as secondary evidence. It is further contended that in the counter, the defendant has taken specific objections as to existence of these documents and as per Order VII Rule 14(3) CPC, the documents ought to have been filed along with the plaint or entered in the list to be added to the plaint, however, in the present case, the plaintiff failed either to file or add the aforesaid documents in the list appended to the plaint, therefore, the same cannot be permitted to be taken on record.

Learned counsel further contended that the prayer to mark photostat copy of GPA as secondary evidence cannot be accepted as the same is invalid document since it was attested by Notary at Mumbai, Maharashtra on 18.02.2016 and attested by Embassy, United Arab Emirates on 04.03.2016. He further contended that the letter dated 28.09.2019 addressed by plaintiff to the Income Tax Officer also does not contain any acknowledgment of receipt of the same by the latter. Learned counsel also contended that the aforesaid e-mail cannot be received without certificate under Section 65B(4) of Indian Evidence Act. Despite the specific objections taken by the defendant, the trial Court has allowed the applications erroneously and therefore, the impugned common order is unsustainable and is liable to be set aside.

10. Per contra, learned counsel for the respondent/plaintiff contended that though issues have been framed in the suit, trial has not yet commenced, and at that stage, the plaintiff filed the aforesaid applications. He further contended that original Power of Attorney is lying with the defendant and e-mail dated 23.07.2023 was sent by plaintiff to defendant to handover the original, but the

defendant has not responded to the same, therefore, IA.No.4201 of 2023 is filed to receive copy of GPA as secondary evidence and the other documents sought to be placed on record are crucial and necessary for proper adjudication of the matter. He further contended that insofar as the relevancy and admissibility of the aforesaid documents are concerned, the same can be agitated by the defendant during the course of trial, however, the objections as to admissibility or validity of the documents cannot be now raised at the threshold when the same are not even taken on record. Learned counsel further contended that the trial Court has rightly allowed the applications and the defendant failed to make out any case to interfere with the well-reasoned impugned common order passed by the trial Court.

11. Perusal of the impugned common order discloses that the trial Court has specifically observed that the plaintiff sent e-mail to defendant calling upon him to produce original GPA, however, the same was not produced on the ground that the same is invalid document, therefore the trial Court held that the plaintiff is entitled to mark photostat copy of GPA as secondary evidence, since

original GPA is in the custody of the defendant. Insofar as e-mail dated 23.07.2023 is concerned, the trial Court accorded permission to mark the same subject to filing of affidavit under Section 65B(4) of the Indian Evidence Act at the time of recording evidence in chief, failing which, e-mail can be rejected. Insofar as bank statement and office copy of reply dated 28.09.2019 are concerned, the trial Court observed that same can be received subject to objection which can be decided at the time of disposal of the suit.

12. As rightly contended that learned senior counsel for respondent/plaintiff, the admissibility and relevancy of the documents can always be agitated by the defendant during the trial. It is also evident from the impugned common order that the trial Court directed the documents to be taken on record subject to certain conditions and in the considered opinion of this Court, the defendant failed to point out any irregularity or illegality in the impugned common order and as such, these Revision Petitions are liable to be dismissed.

13. In the result, both the Revision Petitions are dismissed.

14. Pending Miscellaneous applications, if any, shall stand closed. No costs.

//TRUE COPY//

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Chief Judge, City Civil Court, Hyderabad
2. One CC to SRI. N PRAVEEN REDDY Advocate [OPUC]
3. One CC to SMT. VEDULA CHITRALEKHA Advocate [OPUC]
4. Two CD Copies

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kpr

HIGH COURT

DATED:21/03/2025



ORDER

CRP.Nos.2233 & 2236 of 2024

DISMISSING THE CIVIL REVISION PETITIONS

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fcpr
25/6/25