

IN THE HIGH COURT FOR THE STATE OF TELANGANA

CIVIL REVISION PETITION No.1720 of 2022

Between:

Smt Haneefa Bee,

W/o Late Maqbool Hussan

... Petitioner

And

Mr. Mohd. Nizam,

S/o Mohd. Ismail

... Respondent

JUDGMENT PRONOUNCED ON 03.04.2024

HON'BLE JUSTICE LAXMI NARAYANA ALISHETTY

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals? : Yes

3. Whether her Lordship wishes to
see the fair copy of the Judgment? : Yes

HON'BLE JUSTICE LAXMI NARAYANA ALISHETTY

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> Head Note:

! Counsel for the Petitioner: Sri Ali Farooq

^ Counsel for Respondent: Sri K.Jamali

? Cases Referred:

1. 2016(161) AIC 275
2. 2004(1) CivilLJ 344

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**CIVIL REVISION PETITION No.1720 of 2022****ORDER:**

This Civil Revision Petition is filed aggrieved by order dated 13.06.2022 passed by the I Additional Junior Civil Judge-cum-IX Additional Metropolitan Magistrate, Ranga Reddy District at Kukatpally, in unnumbered I.A.of 2022 in O.S.No.521 of 2008, whereby the petition filed by the petitioner under Rule 203-A of Civil Rules of Practice r/w Rule 151 of the Code of Civil Procedure to issue certified copy of the unmarked Agreement of sale dated 18.01.1997, vide CA.No.1447 of 2022 filed in the suit was dismissed.

2. The revision petitioner is the defendant and the respondent is the plaintiff in the suit.

3. The petitioner stated that she filed LGOP.No.821 of 2003 against the respondent seeking to declare him as a land grabber and to evict him from the scheduled property and the said case is pending. Subsequent to filing of the said LGOP, the respondent filed suit in OS.No.285 of 2004 for permanent injunction before the Additional Junior Civil Judge, Cyberabad, Kukatpally at

Prasanthnagar and later, the suit was transferred to the Additional Junior Civil Judge, Ranga Reddy District at Kukatpally and renumbered as OS.No.521 of 2008, and eventually, the suit was dismissed for default on 03.04.2010.

3.1. Thereafter, the respondent filed an application IA.No.453 of 2010 for the return of the unmarked certified copy of the agreement and the trial Court allowed the said application by ordering substitution of the same with photostat copy of the said document and returned the original unmarked document to the respondent.

3.2. Subsequent thereto, the petitioner approached the trial Court to direct the office to issue certified copy of the unmarked Agreement of Sale dated 18.01.1997, which was permitted to be substituted by the respondent by photostat copy of the said document. The trial Court on hearing both sides and on perusal of the entire material, found that only xerox copy/photostat copy of agreement of sale was on record and therefore, it does not have any power to certify Xerox copies/photocopies and accordingly, dismissed the petition.

4. Heard Sri Ali Farooq, learned counsel for the petitioner and Sri K.Jamali, learned counsel for the respondent. Perused the entire material available on record.

5. Learned counsel for the petitioner contended that the trial court failed to consider the provisions of Rule 203(A) of the Civil Rules of Practice and erred in dismissing the application without assigning any proper reason. Hence, prayed to allow this Revision Petition.

6. In support of his contention, learned counsel for the petitioner relied upon the judgment of the combined High Court for the States of Telangana and High Court in ***G. Suverna Bai v. M. Ramesh Chander***¹ and the judgment of the Hon'ble Supreme Court in ***K. Nagarajan v. K.S. Ramasamy***²,

7. In ***G. Suverna Bai's case*** (1st cited supra), the High Court held that the lower court erred in rejecting the application-I.A.No.59 of 2013 filed for obtaining a certified copy of a Certificate issued under Section 50-B of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, which is crucial for the case of the petitioner and is available in

¹ 2016(161) AIC 275

² 2004(1) CivilLJ 344

another court proceeding (O.S.No.9 of 1992), on technical grounds and accordingly, allowed the Civil Revision Petition.

8. In *K.Nagarajan's case* (2nd cited supra), the Hon'ble Supreme Court allowed the petitioner therein to take certified copy of the unmarked document filed in a suit for effective inspection.

9. In the instant case, the petitioner sought for issuance of certified copy of photostat copy of unmarked Agreement of sale produced by the respondent in the suit. Therefore, the citations relied upon by the learned counsel for the petitioner are no way helpful to the petitioner as the facts of the above judgment and the present case are completely different and the trial Court did not dismiss the application on technical grounds.

10. Here, it is apposite to reproduce Section 204(A) of the Civil Rules of Practice which reads as under:-

“(1) On an application by the party, the court may grant copy of a proceeding or document filed in or in the custody, of the court by getting it reproduced mechanically on payment of Rs. (2-00)1 per page by means of affixture of court fee labels to the application for copy or in cash through lodgment Schedule with in such time as the court may grant.

(2) The same Rules as are applicable to certified copies to be taken out on copy stamp papers will also apply mutatis mutandis to copies taken by mechanical reproduction".

11. A conjoint reading of the above Section and the Evidence Act makes it clear that certified copies are admissible as evidence in court. They carry the same weight and legal significance as the original documents they represent. The Courts recognize certified copies as official reproductions that have undergone verification, making them acceptable and reliable evidence in the case. This helps establish the authenticity and validity of the evidence.

12. Further, certified copies provide a means to verify the authenticity of documents. During the certification process, an authorized individual examines the original document and compares it to the copy. This verification ensures that the certified copy accurately represents the original, confirming its authenticity and credibility.

13. In the instant case, it appears that after dismissal of the suit, the plaintiff filed an application for return of the unmarked certified copy of the Agreement of sale and the same was allowed, permitting it to be substituted by a photostat copy of the said

document. Thereafter, the petitioner herein, who is the defendant, filed an application for issuance of certified copy of the photostat copy of the said unmarked document.

14. As already stated supra, when the legal sanctity and weight attached to the certified copies of the documents, be it marked or unmarked, issued by the Court is that of the original document, the Court in its power cannot certify a Photostat copy of an unmarked document, thereby confirming its authenticity and credibility.

15. In view of the aforesaid reasons, facts and circumstances of the case and the legal position, this Court is of the considered view that the impugned order passed by the trial Court does not suffer from any illegality or infirmity warranting interference by this Court.

16. Accordingly, this Civil Revision Petition is dismissed. No costs.

17. Pending miscellaneous applications, if any, shall stand closed.

JUSTICE LAXMI NARAYANA ALISHETTY

Date:03.04.2024

Note:

LR copy to be marked.

B/o

dr