

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CIVIL REVISION PETITION No.2328 OF 2025

ORDER:

1. This civil revision petition under Article 227 of the Constitution of India is filed challenging the order passed by the Principal Junior Civil Judge, Chirala in I.A.No.251 of 2025 in O.S.No.130 of 201 dated 28.07.2024.

2. The brief facts of the case are that, I.A.No.251 of 2025 was filed by the petitioners/defendants before the Court below under Order VIII Rule 14(3) and Section 151 C.P.C, seeking permission to mark the certified copy of the FIR and CD containing photographs as evidence in O.S.No.130 of 2021.

3. It was contended by the petitioners/defendants before the Court below that the respondent/plaintiff filed the suit against them seeking permanent injunction restraining the defendants and their henchmen not to make any constructions in front of the plaintiff's house on northern side at Point Nos.G to H of the plan attached to the plaint. It is contended that, husband of the second petitioner viz late Surya Narayana Reddy filed written statement and actively

contested the suit. During course of trial, he passed away leaving behind the second petitioner, his daughter and third defendant as his legal heirs. Taking undue advantage of the death of her husband, the plaintiff illegally got constructed a compound wall by encroaching upon the northern pathway used by the petitioners for their ingress and egress. Consequently, the second petitioner herein filed I.A.No.149 of 2024 seeking removal of the said illegal construction. Along with the said petition, she inadvertently filed a photocopy of the FIR instead of certified copy and submitted photographs without enclosing the corresponding CD. Then the petitioners/respondents sought to file certified copy of the FIR and CD containing the photographs before the Court below contending that the earlier omission was neither willful nor intentional, but only mistake.

4. The respondent/plaintiff filed counter affidavit denying material allegations, while submitting the petition and documents, the petitioners miserably failed to file the negatives of the photographs and did not supply a copy of the CD to the respondent/plaintiff. Whereas, even at the time of submitting documents by the petitioner, there is a final report of the Station House Officer, Vettapalem, wherein the subject F.I.R was referred as false, thereby the

competent authority rendered the FIR as devoid of any evidentiary value, as such, it cannot be marked as document prayed to dismiss the petition.

5. Upon considering submissions of both the counsel, the Trial Court framed point for determination of issue as to “whether the petitioner/Defendant Nos.2 & 3 are entitled to seek permission to mark the certified copy of the FIR and the CD containing photographs at this stage of the proceedings in suit under Order VIII Rule 14(3) read with Section 151 C.P.C”. The court below rightly opined that the petitioners did not show any sufficient reason to allow the belated filing and marking of the FIR and CD, moreover they failed to file the documents at appropriate stage and also did not provide a copy of the CD to the respondent/plaintiff, causing procedural lapses which were not corrected despite ample opportunity. The Court below further observed that the defence of the petitioners can be fully advanced based on the existing pleadings and permitted and marked evidence without relying on subsequent developments such as FIR and CD, more so, in the meanwhile, the necessary legal and evidentiary requirements have not been met and in the light of FIR lacking any probative value, since it is referred as false. Therefore, the

petitioner did not file any valid reason, documents or assigned any reason to allow marking of the documents and Court below rightly dismissed I.A.No.251 of 2025. Challenging the same, the present civil revision is filed.

6. During the hearing, Sri V.Ch. Naidu, learned counsel for the petitioner submitted that the petitioner had already filed photocopies of the FIR and a CD containing photographs along with I.A. No.149 of 2024. Subsequently, I.A. No.251 of 2025 was filed seeking permission to mark the certified copy of the FIR and the said CD as evidence in O.S. No.130 of 2017. It was contended that unless the certified copy of the FIR and the CD are marked as exhibits, the photocopies already on record would become inadmissible, thereby prejudicing the petitioner's case, particularly in relation to the relief sought for removal of the compound wall allegedly constructed during the pendency of the suit. Learned counsel further submitted that the finding of the Court below, to the effect that the certified copies were not filed at the appropriate stage or were not furnished to the petitioners, is factually incorrect, as the suit is still pending and the trial is in progress. It was also asserted that the compound wall in question was constructed during the pendency of the suit,

subsequent to the death of the first defendant, by encroaching upon the northern portion of the defendants' land, and that marking the certified copy of the FIR is necessary to substantiate the said contention. It is settled law that, till the date of judgment, additional documents can be marked as per the ratio laid down by the Hon'ble Apex Court in **Ramratan (Dead) through LRs vs. Ramkali Bai¹ and Levaku Pedda Reddamma vs. Gottumukkala Venkata Subbamma²**. Hence the order passed by the Court below is contrary to law, perverse and liable to be set-aside.

7. On the other hand, Sri Veera Reddy Avuthu, learned counsel appearing for the respondents submits that the Trial Court rightly dismissed the claim of the petitioner on the ground that the FIR and CD cannot be marked, since the same were not filed at appropriate stage. He also submits that, pending suit, criminal proceedings pursuant to the FIR were also closed and the FIR itself was referred by the concerned authority as false and the same was taken into consideration by the criminal court and closed the proceedings. In view of the reference of the subject FIR as false and closure of

¹ Civil Appeal No.3593 of 2025 dated 04.03.2025

² Civil Appeal No.4096 of 2022 dated 17.05.2022

criminal proceedings, the documents which were referred as false cannot be relied upon and cannot be marked as exhibits, therefore, the Court below rightly dismissed the interlocutory application on the ground that the subject documents are not at all admissible documents since declared as void, muchless, in view of the reference as false documents by the concerned authority. He further submits that the judgments relied upon by the learned counsel for the petitioner are not at all relevant to the present facts and circumstances of the case and the scenario as narrated in the aforementioned judgments are contrary to the facts in the case on hand. Therefore, the order of the Court below does not warrant any interference of this Court, and requested to dismiss the civil revision petition.

8. Heard Sri V.Ch. Naidu, learned counsel for the petitioner, Sri Veera Reddy Avuthu, learned counsel for the respondents and perused the material available on record.

9. Having considered the submissions and on perusal of the material available on record, the core issues arising in the present petition that are to be adjudicated on the basis of the oral and documentary evidence already adduced by both the plaintiffs and the

defendants or not in the given facts and circumstances. It is an admitted fact that the trial is at the closure stage and the matter stands posted for further cross-examination of the defendants, and that the evidence on the side of the plaintiffs has already been completed. In such circumstances, this Court finds no infirmity in the finding of the Court below in holding that the documents sought to be marked, namely, the certified copy of the FIR and the CD, are not relevant for adjudication of the present suit for permanent injunction. Admittedly, the said documents pertain to alleged incidents of quarrel, both oral and physical, between the parties, which do not have a direct bearing on the civil dispute in question. This Court further observed that the Court below has rightly observed that the said FIR and CD were reported to be false by the competent authority before the criminal court by way of a final report moreover the said report was accepted by the competent court. In view of the same, documents which have been declared false not by the competent authority but also by the competent court, hence the same cannot be relied upon for the purpose of determination of civil rights between the parties. It is also not in dispute that, based on the final report submitted by the police, the criminal proceedings between the parties

have already been closed. Therefore, this Court is of the considered view that the said documents, having been found to be false, are neither valid nor admissible in evidence. Accordingly, the Court below has rightly rejected the request of the petitioners to mark the said documents, and such finding does not warrant interference.

10. As contented by the learned counsel for the petitioner, the ratio laid down by the Hon'ble Apex Court in **Ramratan (Dead) through LRs vs. Ramkali Bai and Levaku Pedda Reddamma vs. Gottumukkala Venkata Subbamma** (referred supra) are not applicable to the present facts of the case. On perusal of the judgments relied on by the learned counsel for the petitioner, the documents which were sought to be marked therein are valid and enforceable documents, therefore, the Hon'ble Apex Court held that even though the documents filed at belated stage, permitted them to be marked. But, in the instant case, the documents sought to be marked are already declared by the competent authority as false documents and the same was accepted and confirmed by the competent criminal court. Hence, the above referred judgments are not applicable to the petitioner. In view of the reasons stated above,

the order passed by the Court below does not warrant any interference of this Court.

11. In the result, civil revision petition is dismissed. No costs.

12. Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE VENKATESWARLU NIMMAGADDA

Dated: 02.04.2026

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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