

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

CIVIL REVISION PETITION NO: 1798 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 24.04.2025 passed in I.A. No. 220 of 2025 in O.S. No. 461 of 2020 on the file of the Court of the Principal Junior Civil Judge at Jangaon.

Between:

Smt. Banothu Amala, W/o. Ramakoti Nayak, aged 45 years, Occ. Business, R/o. H No. 3-45/3, Sapthagiri Colony Hasanparthy Mandal, Warangal Urban District.

...Petitioner/Plaintiff

AND

1. Malleboina Ramulu, S/o. Komuraiah, Aged 63 years, Occ. agriculture, R/o. Zafergudem Village Raghunthpally Mandal, Jangaon District.
2. Mekala Raju, S/o. Chandraiah, aged 36 years, Occ. agriculture, R/o. Kanchanapally village, Raghunathapally Mandal, Jangaon district.
3. Mekala Lingam, S/o. Chandraiah, Aged 32 years, Occ. agriculture, R/o. Kanchanapally village, Raghunathapally Mandal, Jangaon district.

...Respondents/Defendants

I.A. NO: 1 OF 2025

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 all further proceedings in O.S. No. 461 of 2020 on the file of court of the Principal Junior Civil Judge at Jangaon.

I.A. NO: 2 OF 2025

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 permit the petitioner to file the plaint in OS No 481 of 2020 on the file of court of the Principal

Junior Civil Judge at Jangaon filed by the respondent as additional material papers to adjudicate the above CRP No 1398 of 2025.

Counsel for the Petitioner : Mr. Ajay Kumar Madisetty

Counsel for the Respondents : Mr. G Eswaraiah

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

DATE: 24.02.2026

CIVIL REVISION PETITION No.1798 OF 2025

Between:

Smt. Banothu Amala

...Petitioner/Plaintiff

AND

Malleboina Ramulu and two others.

...Respondents/Defendants

ORDER

This Civil Revision Petition is filed aggrieved by the order dated 24.04.2025 passed in I.A.No.220 of 2025 in O.S.No.461 of 2020 on the file of the Court of the Principal Junior Civil Judge at Jangaon.

2. Heard Mr. Ajay Kumar Madisetty, learned counsel for the petitioner, and Mr. G. Eswaraiah, learned counsel for the respondents. Perused the material available on record.

3. Learned counsel for the petitioner submits that the petitioner filed O.S.No.461 of 2020 seeking perpetual injunction

in respect of the suit schedule 'A' and 'B' properties. The suit was at the stage of recording of evidence. While so, the petitioner filed I.A.No.220 of 2025 under Section 120 of the Indian Evidence Act, 1872, seeking permission to allow her husband, Banothu Ramkoti Nayak, to give evidence on her behalf.

4. Learned counsel for the petitioner further submits that Section 120 of the Indian Evidence Act, 1872 clearly provides that in all civil proceedings, the parties to the suit, and the husband or wife of any party to the suit, shall be competent witnesses. It is contended that the petitioner, owing to lack of knowledge of certain facts and circumstances relating to the suit schedule properties, seeks to have her husband give evidence as a competent witness on her behalf, and that such an arrangement does not amount to substitution of evidence.

5. On the other hand, learned counsel for the respondents supports the order of the trial Court and draws attention to paragraph 6.4 of the order, which reads as follows:

"Under Section 120 of the Indian Evidence Act 1872 provides that husband and wife are competent witnesses for or against each other. However, the

said provision relates to competency to give evidence and not to the substitution of evidence."

6. Learned counsel for the petitioner brought to the notice of this Court Section 120 of the Indian Evidence Act, 1872, which reads as follows:

"120. Parties to civil suit and their wives or husbands - Husband or wife of person under criminal trial.

In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit, shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness."

The provision makes it clear that the husband or wife of a party to a civil proceeding is a competent witness.

7. In the present case, the petitioner is not seeking substitution of her own evidence in an impermissible manner. She only intends to allow her husband to give evidence as a competent witness in support of her case as she does not know the facts relating to suit schedule properties. A party to a suit is entitled to examine any competent witness to substantiate the

pleadings. Therefore, the order of the trial Court is liable to be set aside.

8. Accordingly, the Civil Revision Petition is allowed by setting aside the order of the trial Court in I.A.No. 220 of 2025 in O.S.No.461 of 2020, dated 24.04.2025 and the husband of the petitioner by name Banothu Ramkoti Nayak is permitted to give evidence on behalf of his wife as a witness by filing a separate affidavit in lieu of chief-examination. The said witness shall be subject to cross-examination by the respondents in accordance with law. Both parties are directed to cooperate with the trial Court for the expeditious disposal of O.S.No.461 of 2020. The trial Court shall endeavour to complete the trial at the earliest. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, in this Civil Revision Petition, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge at Jangaon.
2. One CC to Mr. Ajay Kumar Madisetty, Advocate [OPUC]
3. One CC to Mr. G Eswaraiah, Advocate [OPUC]
4. Two CD Copies

DL/PSL

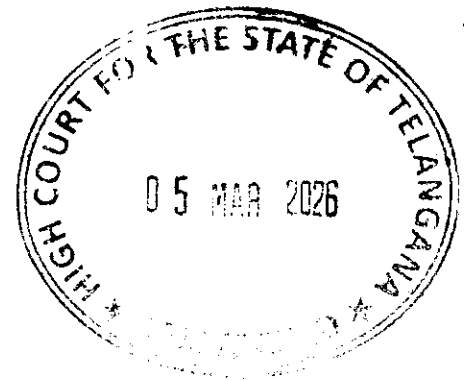


HIGH COURT

DATED: 24/02/2026

ORDER

CRP.No.1798 of 2025



ALLOWING THE CRP

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