

IN THE HIGH COURT OF KARNATAKA

August 7, 1991

*S. Rajendra Babu , J.*

J.R.R. NAIDU

V/s.

REGISTRAR, CITY CIVIL COURTS, BANGALORE

Civil Revision Petition No. 2581 of 1991.

ORDER

*The Court*, made the following:

1. On the last occasion when this matter had come up for admission, I directed notice on I.A. I after admitting the petition with a view to dispose of the matter on merits. Even thereafter none appears for the respondent. At my instance, Sri Muralidhar', learned Government Pleader, appears for the respondent and is heard in the matter.

2. The grievance of the petitioner in this case is that he sought for grant of certain certified copies of the Power of Attorney and a sale agreement upon which the suit is based. The office of the Civil Court raised an objection that these documents are not marked as exhibits in evidence and that therefore copies could not be granted. The trial court relied upon Rule 230 of the Karnataka Civil Rules of Practice. The said Rule reads as follows:

"A party to a suit or proceeding is entitled at any stage of the proceeding, to obtain copies of the record of the suit or proceeding including documents which have been admitted in evidence."

3. The trial court rejected the application on the basis that the documents have not been admitted in evidence and therefore is not entitled to get the documents. The trial court did not consider the question when the suit itself is based on a particular document whether it forms part of the suit or proceeding, but considered only a latter part of the rule as to the entitlement of the party to get copy of the document which has been admitted in evidence. If a suit is based on any document and that document forms part of the suit documents and therefore of the record, whether a party is entitled to such a document or not is the question. In that view of the matter, I think the petitioner is right in his submission and it is certainly open to him to get copy of such documents. The trial court has failed to consider the request of the petitioner and is directed to furnish copies as sought for.

4. Therefore, the petition is allowed.

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