

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3697 OF 2017

G. SUKENDER REDDY

APPELLANT(S)

VERSUS

M. PULLAIAH

RESPONDENT(S)

O R D E R

Application for substitution of sole respondent-M.Pullaiah (IA No.105610 of 2023), who has died during the pendency of the appeal, has been filed.

We have heard learned senior counsel on the said applications.

The applications for setting aside of the abatement (IA No.105613 of 2023) is allowed by condoning the delay (IA No.105611 of 2023) in filing the application for seeking set aside of the abatement.

In the circumstances, the aforesaid application to bring the proposed legal representatives of deceased-sole respondent is also allowed.

Appellant's counsel to file amended memo of parties within a period of two weeks from today.

We have heard learned senior counsel for the appellant and learned counsel for the respondent at length.

When document styled as Memorandum of Understanding was sought to be tendered in evidence, the same was impounded owing to deficit stamp duty. It is brought to our notice at the Bar that the respondent herein has paid the deficit stamp duty and thereafter he has regularised the said document. Therefore, the admissibility of the document

is not in dispute now.

Learned senior counsel appearing for the appellant submitted despite the aforesaid fact, the respondent herein ought not to be permitted to get the said document marked in evidence unless an application seeking leave was filed by the respondent/plaintiff.

We have seen the orders passed by the trial Court as well as the High Court. The objection raised by the appellant herein has been overruled by the trial court and the High Court has sustained the said order by dismissing the Civil Revision Petition.

In the facts and circumstances of this case, we do not think, at this stage, there is any need to interfere in the matter. It is needless to observe that the mere marking of the document concerned is not proof of the document. The burden lies on the respondent to prove the said document in accordance with law. It is also needless to state that the appellant herein is at liberty to cross-examine the respondent herein on the said document.

In the circumstances, the appeal is dismissed. No costs.

Pending application(s), if any, shall stand disposed of.

....., J
(B.V. NAGARATHNA)

....., J
(PRASANNA B. VARALE)

NEW DELHI,
JANUARY 9, 2025

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(S).3697/2017

G. SUKENDER REDDY

APPELLANT(S)

VERSUS

M. PULLAIAH

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([FOR DIRECTIONS])

Date : 09-01-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE PRASANNA B. VARALEFor Appellant(s) Mr. Gaichangpou Gangmei, AOR
Mr. K.Parameshwar, Sr. Adv.
Mr. G.Seshagiri Rao, Adv.
Mr. Maitreya Mahavy, Adv.
Mr. Chitransha Singh, Adv.
Mr. Shreenivas Patel, Adv.For Respondent(s) M/S. Venkat Palwai Law Associates, AOR
Mr. P. Venkat Reddy, Adv.
Mr. Prashant Kumar Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.UPON hearing the counsel the Court made the following
O R D E R

Appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed
of.(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)(DIVYA BABBAR)
COURT MASTER (NSH)

(signed order is placed on file)