

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13354 /2025
[@ SLP [C] NO.21149/2024]

HUSSAIN BIN AWAZ

Appellant(s)

VERSUS

MITTAPALLY VENKATARAMULU & ORS.

Respondent(s)

O R D E R

Leave granted.

The short issue for consideration in the present appeal is as to whether the High Court, at the revisional stage, ought to have allowed the application invoking Section 45 read with Section 73 of the then Indian Evidence Act, 1872 (for short 'the Act') when the trial has already concluded, that too the applicant being the defendant in a suit for declaration and injunction.

In our considered view, the High Court has committed an error in reversing the order passed by the Trial Court.

In a suit for declaration and injunction, it is for the plaintiff to prove his case. Section 45 read with Section 73 of the Act, can only be invoked for an admitted document for the purpose of comparison of signatures or handwriting.

In such view of the matter, we are inclined to

set aside the impugned judgment.

Accordingly, the impugned judgment passed by the High Court is set aside and the order of the Trial Court is restored.

We make it clear that all issues are left open.

The appeal stands allowed, accordingly.

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

.....J.
[M.M. SUNDRESH]

.....J.
[SATISH CHANDRA SHARMA]

NEW DELHI;
NOVEMBER 04, 2025.

ITEM NO.40

COURT NO.5

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 21149/2024

[Arising out of impugned final judgment and order dated 05-08-2024 in CRP No. 1990/2024 passed by the High Court for The State of Telangana at Hyderabad]

HUSSAIN BIN AWAZ

Petitioner(s)

VERSUS

MITTAPALLY VENKATARAMULU & ORS.

Respondent(s)

IA No. 207139/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 129142/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 04-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) Mr. L. Narasimha Reddy, Sr. Adv.
Mr. P. Venkat Reddy, Adv.
Mr. Prashant Kumar Tyagi, Adv.
Mr. P.srinivas Reddy, Adv.
M/s Venkat Palwai Law Associates, AOR

For Respondent(s) Mr. D. Manohar Rao, Adv.
Mr. Hanuman Prasad, Adv.
Mr. Varun Punia, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands allowed in terms of the signed order

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

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR

[Signed order is placed on the file]