

Seena Vs. Haridas

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Court : Kerala

Decided On : Jul-11-2012

Judge : K.T. Sankaran & M.L. Joseph Francis

Appeal No. : Z.O.P.(FC) No. 340 of 2012

Appellant : Seena

Respondent : Haridas

Judgement :

1. The Registry refused to number the O.P.(FC) on the ground that Ext.P5 series of photographs are not the original colour photographs, but they are only black and white photocopy of the photographs. Registry relies on the order dated 14-06-2012 passed by a Division Bench of this Court in W.P.(C) No.11991 of 2012. In that case, the counsel appearing for Guruvayur Devaswom stated that the copy of the Writ Petition served on him did not contain the colour photographs which were exhibited in the Writ Petition. The Division Bench held thus:

"It is also appropriate for the Registry to ensure that copies carry the same type of photographs or photocopies of photographs:as are produced in original paper books. If colour photographs are produced or colour photostats of photographs are produced along with the judges papers it is necessary that similar colour photographs or colour Photostat of the photographs are provided to the parties appearing in the case otherwise matter could be treated as defective since it

impeaches and inspires the adjudicatory process."

The Division Bench also noticed that colour photograph was produced only in one set of judges papers thereby making available to the companion Judge only a black and white photostat copy of the photograph.

2. In the present case, Ext.P5 series are true photostat copies of the photographs of the establishments allegedly run by the respondent. It is averred in the Original Petition that the respondent is a rich man and he runs several business establishments like travels, textile shops, jewellery, hatchery etc. Ext.P5 series of photographs are of those business establishments.

3. No rule in the Rules of the High Court of Kerala provides that colour photographs should be produced by the parties if photographs are produced as Exhibits in the Writ Petition. It is the choice of the parties to produce either colour photographs or black and white photographs. However, if one type of photograph is produced as original, the copies also must contain similar photographs or similar photostat copies of the same. When the original Exhibit produced in the Original Petition or Writ Petition itself is a black and white photocopy of a photograph, it is not just to insist on production of colour photographs in the absence of any rule to that effect. What is required is to convey the idea with clarity and precision; the colour of the same is immaterial. We do not think that the order in W.P.(C) No.11991 of 2012 lays down any such dictum as stated by the Registry.

Registry will number the O.P.(F.C).

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