

Minutes of the Work shop held on 2.4.2016 at Ananthapuramu presided over by the Hon'ble Chairperson of the Workshop Sri Justice P.Naveen Rao garu, Judge of Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

1. As per the directions of the Hon'ble High Court, III Workshop for the Judicial Officers at Ananthapuram Unit was conducted at Ananthapuram in the Police Conference Hall on the topic of "Appreciation of Evidence in Civil Cases. The sub-topics included in the workshop are:

| Session | Topic | Duration |
|------------|---|--------------------------------|
| I | Appreciation of Evidence in Suits | 10.00 AM to 11.30 AM |
| II | Appreciation of Evidence in Appeal Suits and Miscellaneous Appeals | 11.45 AM to 1.00 P.M |
| III | Receiving of additional Evidence | 01.45 P.M. to 3.00 P.M. |
| IV | When and how Remand Order can be Passed | 3.30 P.M to 5.00 P.M. |

2. The District Judge Sri A.Hari Haranadha Sarma being Nodal Officer chosen Sri P.Subramanya Kumar, I Addl. District & Sessions Judge, Ananthapuram to assist him and taken all necessary steps to conduct the workshop under the effective guidance of Hon'ble Administrative Judge.

3. The Nodal Officer/District Judge with the consent of Hon'ble Administrative Judge Sri Justice P.Naveen Rao garu contacted Sri Justice M.Seetharama Murthi garu, Judge, Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Sri P.Mohan Rao garu, Retired District Judge and Sri Virupaksha D.Gouda garu,

Retired District Judge to be resource persons in the work shop and they gave consent to participate in the work shop on the given topics.

4. All the arrangements including travel and accommodation of all the Resource persons were made. Sri S.Kamalakar Reddy, Secretary, DLSA, Ananthapuramu Sri M. Bujjappa, Prl.Junior Civil Judge, Ananthapuramu and Sri S. Kaleemulla, Junior Civil Judge, Tadipatri received the resource persons and taken care of them till the workshop is completed.

5. The Nodal Officer/District Judge has identified, Sri P. Subramanya Kumar, I Addl. District Judge, Ananthapuramu, Sri D.Ramulu, II Addl. District Judge, Hindupur and Sri Fazululla, Senior Civil Judge, Kadiri to prepare relevant papers on the given topics with citations. Accordingly, the above nominated Judicial Officers presented articles and placed recent case law on the subject chosen while the workshop was in progress.

6. All the Judicial Officers in the District were present by 9.30 a.m., at Police Conference Hall on 2.4.2016. After a group photo, the Hon'ble Administrative Judge Sri Justice P.Naveen Rao garu, Sri Justice M.Seetharama Murthi garu, Judge, High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, Sri P.Mohan Rao garu, Retired District Judge and Sri Virupaksha D.Gouda garu, Retired District Judge adorned their respective chairs on the dias at the Police Conference Hall.

7. Inaugural session was commenced at 9.45 A.M., by inviting the following dignitaries on to the Dias by Sri Kaleemulla, Junior Civil Judge, Tadipatri.

- Sri Justice P.Naveen Rao garu
- Sri Justice M.Seetharama Murthi garu
- Sri P.Mohan Rao garu
- Sri Virupaksha D.Gouda garu

8. As a token of respect, flower bouquets were presented to the dignitaries.

9. The Nodal Officer/District Judge Sri A.Hari Haranadha Sarma in his opening remarks welcomed the Hon'ble Administrative Judge and Hon'ble Judge Sri M.Seetharama Murthi garu, Resource Persons Sri P.Mohan Rao garu, Sri Virupaksha D.Gouda garu and all the Judicial Officers to the workshop.

10. Thereafter, the Nodal Officer/District Judge gave brief introduction as to the importance of the workshop and requested all the Judicial Officers working in the Unit of Ananthapuram to utilize the great opportunity by freely interacting with all the Resource persons and clarify all the reasonable doubts on the subject selected for discussion. It was also emphasized how the topic selected is useful for both trial and appellate court Judges and how discussion of the subject by both together on one Platform will generate greatest scope for discussion to have deeper understanding of the subject "Appreciation of Evidence".

11. The Nodal Officer/District Judge, Ananthapuramu requested Sri D.Ramulu, II Addl. District Judge, Hindupur, to present the paper on the subject appreciation of evidence in suits and accordingly, he read over the paper.

12. Thereafter, the Hon'ble Sri Justice M.Seetharama Murthi garu taken up the session on the subject Appreciation of evidence in Civil Cases, while expressing his gratitude to the Administrative Judge of Ananthapuram District for choosing him as one of the Resource Persons. Hon'ble Sri Justice M.Seetharama Murthi garu mentioned that each case has to be decided on its own facts and law applicable to that case and appreciation of evidence is a Science. Expertise on the same comes with by experience and perseverance. The improvement of knowledge is day to day factor and there are no fixed limitations or yardsticks to fix the excellency in a frame. His Lordship has stated that the basis for any Judgment shall be the reason sustainable on examination by a Superior court and acceptable to both parties. The reasons for any Judgment shall not come from the extraneous material, but they shall come only from the pleadings and evidence placed before the court. For Judgment, evidence is the basis and for the evidence pleadings will be the basis. A party cannot travel beyond pleadings while adducing evidence and evidence without pleading is not of any use. Likewise even pleadings without evidence are not of any use. Further, his Lordship has referred to appreciating the facts before the court with reference to evidence, by giving various illustrations by making emphasis on necessity of framing appropriate issues and points for determination. Further his Lordship referred that while analyzing the facts, the court shall have in mind as to two kinds of facts i.e., physical facts and psychological facts and for the purpose of appreciating physical facts his Lordship referred to five senses (1) Drushya (2) Sravana

(3) Sparsa (4) Rasa (5) Gandha and referred to Sec.3 of Evidence Act. Likewise his Lordship has extensively covered oral evidence, documentary evidence, material evidence and opinion evidence etc. aspects by referring to various provisions of law and also the authorities reported in various Law Journals.

13. Further principles relating to appreciation of evidence and burden of proof in Civil and Criminal cases and differences as to appreciation of evidence and casting burden of proof on the parties are all covered by his Lordship. Very good interaction has taken place on certain interesting aspects when doubts and questions raised by the participating Officers Sri D.Ramulu, II Addl. District Judge, Sri Nagaseshaiah, Senior Civil Judge, Hindupur and Sri Kaleemulla, Junior Civil Judge, Tadipatri.

14. During next session Md.Fazulullah, Senior Civil Judge, Kadiri presented paper on "Appreciation of Evidence in Appeal suits and Miscellaneous Appeals". Principal District Judge Sri A.Hari Haranadha Sarma acted as resource person for the said subject with the approval of Hon'ble Administrative Judge of Ananthapuram Unit Sri Justice P.Naveen Rao garu in view of absence of Hon'ble Sri Justice M.Ranga Reddy garu, Former Judge of Hon'ble High Court. Sri A.Hari Haranadha Sarma, Principal District Judge while referring to the appreciation of evidence in Appeals and also Civil Miscellaneous Appeals referred to various interlocutory orders and documents that could be filed at interlocutory stage and how the documents have to be appreciated particularly when there are objections as to Stamp Duty and Penalty, Registration etc., He has also addressed as to the discipline of appellate courts taking different view from that of trial court and the circumstances when a different view can be taken.

15. In the post length sessions on the subject of "Receiving Additional evidence" paper presentation was made by the Principal District Judge Sri A.Hari Haranadha Sarma and interaction on the subject at length was taken by Sri P.Mohan Rao garu, Retired District Judge, Resource person chosen for the said subject. With Power Point Presentation and by posing several hypothetical questions Sri P.Mohan Rao garu addressed the points and when the trial court refused receiving of evidence, the competency of the appellate court to take additional evidence, when the party has allowed the suit to be concluded without questioning the refusal of receiving of evidence by trial court and he has also addressed legal aspects relating to receiving of additional evidence in review proceedings and at 2nd appellate court stage etc.

16. Interaction session, after Sri P.Mohan Rao garu addressing on the subject of Additional Evidence, was quite interesting and Hon'ble Sri Justice M.Seetharama Murthi garu has also actively participated and referred to certain authorities like R.V.Venkatachala Goundar case vide AIR 2003 SC 752 and S.C.Shalimar Chemical Works case vide 2010 (8) SCC 423 etc.

17. During the last sessions Sri P.Subramanya Kumar, I Addl. District Judge has presented paper on the subject as to passing remand order and the Resource Person Sri Virupaksha D.Gouda, Retired District Judge by using power point made an excellent presentation referring the circumstances under which remand can be done and that what caution the trial Judges can avoid the remand of matter by the appellate courts.

18. In the end, the Hon'ble Chair Person of Workshop-III Hon'ble Sri Justice P.Naveen Rao garu, Administrative Judge of Ananthapuram District summarized all the legal aspects entire thing discussed from morning and thanked the Resource persons particularly Hon'ble Sri Justice M.Seetharama Murti garu for their presence and participation during entire day. His Lordship Administrative Judge of Ananthapuram District instructed all the Judicial Officers of the Unit to be more interactive and clarify all the doubts by using the opportunities like the present Workshop etc. The workshop was concluded at 5.00 p.m., and Smt. K.V.Mahalakshmi, Chairman, Permanent Lok Adalat, Ananthapuram District presented vote of thanks on behalf of the Unit to Hon'ble Sri Justice P.Naveen Rao garu, Administrative Judge of Ananthapuram District and all the Resource Persons.

19. As a token of respect, small books were presented to the Resource Persons.

20. Above is the report with regard to Workshop-III conducted at Ananthapuram District.

Sd/- A. Hari Haranadha Sarma
NODAL OFFICER/PRL.DISTRICT JUDGE,
ANANTHAPURAM.