

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.590 of 2015

ORDER:

This revision is filed against order dated 16.12.2014 in I.A.No.569 of 2014 in O.S.No.97 of 2007 on the file of Senior Civil Judge, Sompeta, Srikakulam District.

2. Brief facts leading to this revision petition are as follows:

Revision petitioners herein are defendants in the above referred O.S.No.97 of 2007 and they filed I.A.No.569 of 2014 invoking Order XVI Rule 6 and 7 r/w Section 151 of CPC to issue summons to the Executive Officer-cum-Panchayat Secretary of Gram Panchayat, Tekkali to produce records mentioned in the list for the years 1995 to 2013 and to give evidence basing on records and that application was dismissed on the objection taken by the other side that all the documents now sought to summon are public documents and petitioners can obtain certified copies and can file them, accepting the objection of the plaintiff, learned trial judge dismissed the application. Aggrieved by the same, present revision is preferred.

3. Advocate for respondent submitted that the reasons given by the Court below for dismissing the application are not sustainable under law and the Court below failed to notice that the documents sought from Gram Panchayat, Tekkali are necessary to prove the case of petitioners. He submitted after completion of plaintiff side evidence, petitioners immediately filed this application and there is absolutely no delay but the trial Court without any proper reasons, dismissed the application.

4. I have perused the material papers including impugned order dated 16.12.2014. Admittedly, the documents listed in the petition for which summons are requested to Gram Panchayat, Tekkali are public documents. Other side opposed the application mainly on the ground that petitioners can as well obtain certified copies of the documents since they are public documents. Petitioners have not given any reason as to why the originals are required. They also did not give any reasons as to the steps they have taken for getting certified copies of the documents, and the trial judge considering these aspects, dismissed the application.

5. As per Section 79 of Indian Evidence Act, presumption has to be drawn with regard to genuineness of certified copies, and the Court shall presume that every document, which is a certified copy as genuine until contrary, is proved. Therefore, as rightly observed by the trial Court petitioners have to obtain certified copies of these documents and produce them and request the Court to admit them in evidence, as per provisions of Sections 77, 78 and 79 of Indian Evidence Act.

6. On a scrutiny of the material, I am of the view that the trial Court has not committed any error and there is no procedural irregularity or any wrong exercise of jurisdiction, which warrant interference by this Court under revisional powers.

7. For these reasons, it is held that this Civil Revision Petition is devoid of merits, accordingly dismissed at admission stage giving liberty to petitioners to obtain certified copies and file them before the trial Court. No costs.

Miscellaneous petitions, if any pending, in this revision petition shall stand closed.

Date: 20-02-2015
gvl

S. RAVI KUMAR, J