

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

**MONDAY THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CIVIL REVISION PETITION NO. 1738 OF 2015.

Between:

Smt.Pandranki Gowri ... Petitioner

V/s.

Pandranki Narayana Rao (died)

Per LRs 2 to 5 ... Respondents

Counsel for the Petitioner : Sri M. Karunasagar

Counsel for the Respondents : Sri R. Srikanth

The court made the following : [order follows]

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

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CIVIL REVISION PETITION NO. 1738 OF 2015

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ORDER:

This Civil Revision Petition is directed against order of Judge, Family Court-cum-III-Additional District Judge, Vizianagaram, dated 31/03/2015 in I.A.No. 455 of 2015 in OS.No. 23 of 2008 filed by the petitioner/Defendant No.5, under Order-16, Rule 6, 7 and 7 [a] of CPC praying the court to issue summons to the fourth defendant to cause production of certain documents listed and also to give evidence.

2. The suit is filed for partition. The Revision Petitioner/D-5 is said to be the wife of third defendant in the suit. The suit is filed by the fifth respondent herein.

The documents that were sought to be summoned from the fourth defendant are all registered documents which have been listed in the petition. The fourth

defendant has filed his counter denying the possession of any such documents with him.

3. Since all the documents are registered instruments, it is always open for the Defendant No.5 to obtain certified copies and file the same. With regard to the direction to the fourth defendant to enter witness box, inspite of direction if the fourth defendant do not appear in the witness box adverse inference can be drawn. The learned Judge has considered the issue in a right perspective and dismissed the application. I see no reason to interfere in this revision. There is no merit in the Civil Revision Petition and the same is dismissed. It is made clear that the petitioner/Defendant No.5 is at liberty to obtain certified copies of all the documents and file the same in the court, which can be received in accordance with law. No costs.

4. As a sequel, Miscellaneous Petitions if any, pending in this civil revision petition shall stand closed.

JUSTICE M.S.K. JAISWAL

15/06/2015

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HONOURABLE SRI JUSTICE M.S.K. JAISWAL

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