THE HON'BLE SRI JUSTICE SANJAY KUMAR

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CIVIL REVISION PETITION No.2660 of 2015

ORDER:

This civil revision petition under Section 115 CPC is filed assailing the order dated 01.06.2015 passed by the learned Senior Civil Judge, Bhimavaram, in E.A.No.103 of 2015 in E.P.No.48 of 2009 in O.S.No.811 of 2003.

The petitioner is the judgment debtor in O.S.No.811 of 2003 while the respondent is the decree-holder, who filed the subject E.A. under Order XVI Rules 1 and 5 CPC to issue summons to the Mandal Revenue Officer, Bhimavaram Mandal, to bring the concerned records and depose before the Court as to G.O.Ms.Nos.411, 412 and 413 of 1983 issued by the Government of Andhra Pradesh in respect of the Agricultural Land Colonization Co-operative Society, Kothapausalamuru Village, L.G.Padu. By the order under revision, the Executing Court allowed the said E.A. Aggrieved thereby, the judgment debtor is before this Court.

Though, normally, this Court would not interfere with an order of this nature, summoning a Government Official to the Court for giving evidence would invariably cause inconvenience to the public as such official would have to put aside his regular duties and await the Court process which could consume some amount of time. The contention of the decree-holder was that examination of the Mandal Revenue Officer was essential to authenticate the Government Orders which he wanted to place on record.

Sri J.K.Raju, learned counsel representing Smt.B.Srilatha, learned counsel for the respondent/decree-holder, stated that during the cross-examination of the decree-holder, the
judgment-debtor sought to raise doubts as to the authenticity of the G.Os. and therefore it became necessary for the decree-holder to examine the Mandal Revenue Officer.

Sri P.Durga Prasad, learned counsel for the petitioner/judgment-debtor however fairly conceded that the authenticity and validity of the G.Os. in question were not doubted by his client and that the questions may have been put during the cross-examination routinely. Learned counsel states that the validity and genuineness of the G.Os. are not sought to put to test.

In that view of the matter, this Court sees no reason to trouble the Mandal Revenue Officer, Bhimavaram, to come to the Court for the purpose of authenticating the G.Os. It is for the parties to adduce necessary evidence as to the applicability of the G.Os. to the case on the basis of relevant official records.

The civil revision petition is accordingly allowed setting aside the order under revision.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:05.10.2015

GJ