

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.3454 of 2010

ORDER:

This Revision is filed challenging the order dt.12-07-2010 in E.A.No.259 of 2010 in E.A.No.56 of 2010 in E.A.No.1215 of 2009 in E.P.No.129 of 2008 in O.S.No.2629 of 2004 of the Principal Junior Civil Judge, Guntur.

2. The petitioner herein is a claim petitioner, who questioned the sale conducted in respect of the property which is subject matter of E.P.No.129 of 2008 in O.S.No.2629 of 2004. He filed E.A.No.56 of 2010 to set aside the sale certificate issued in favour of 3rd respondent.

3. In that E.,A.No.56 of 2010, he filed E.A.No.259 of 2010 to summon the Field Assistant of the District Court, Guntur, Amin of the District Court and Chief Ministerial Officer (Bench Clerk of the E.P. Section of the I Additional Junior Civil Judge Court, Guntur) as Court witnesses.

4. By order dt.12-07-2010, the Court below dismissed the said application stating that the report submitted by the Field Assistant and Amin of the District Court in respect of the sale of the E.P. schedule property is available on record and without making any specific allegations against them, it

is not proper to examine them before the Court. It therefore held that there is no reasonable ground to examine them as witnesses in the E.A.

5. Although the learned counsel for petitioner sought to contend that this order is erroneous, I am unable to agree with the said contention. The reports filed by the Field Assistant as well as the Amin of the District Court being available on record, no useful purpose would be served by summoning them as witnesses since no specific allegations have been made against them by the petitioner.

6. Therefore, there is no error of jurisdiction in the order passed by the Court below warranting interference by this Court under Section 115 C.P.C.

7. Therefore, the Civil Revision Petition is dismissed.
No costs.

8. As a sequel, miscellaneous petitions pending if any, shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 27-10-2015

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