

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

CIVIL REVISION PETITION No.2980 of 2014

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ORDER:

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This Civil Revision Petition is filed challenging the order dt.11-06-2014 in I.A.No.46 of 2014 in O.S.No.243 of 2013 of the Junior Civil Judge at Alair.

2. The petitioner herein is plaintiff in the suit.
3. He filed the suit against respondents for declaration of his title and for recovery of possession of the suit schedule property.
4. Written statement was filed opposing the suit claim. The respondent Nos.1 and 2, along with the written statement filed 13-B and 13-C registers, pattadar pass books issued to 2nd respondent in 1998 and to 1st respondent in 2005 and also pahanis for the years 1998-99 to 2004-05.
5. Petitioners therefore filed I.A.No.46 of 2014 stating that it is just and necessary to examine the then Mandal Revenue Officer, Alair, Dy. Tahsildar, Alair and the Village Secretary, Alair Gram Panchayat in order to seek

connected details of the documents filed by respondent Nos.1 and 2 for effective and proper adjudication of the case.

6. Counter affidavit was filed by 1st respondent opposing this application. He contended that ordinary sale deed referred to in 13-C certificate was got validated and Record of Ryots was issued and also pattadar pass book and title deeds were given to 2nd respondent. He stated that thereafter he purchased the same by going through the said revenue records. He contended that if at all the petitioner wants to challenge 13-B and 13-C certificates and pattadar pass book and title deeds issued to his vendor i.e. 2nd respondent and also the pattadar pass book and title deeds issued to 1st respondent, he should have filed an appeal within the period prescribed by law and that the petitioner had failed to do so. He also contended that when all the documents filed by him are original in nature, the question of calling for the documents from the Officials mentioned by the petitioner would not arise. He therefore contended that only to drag on and protract the proceedings this application is filed.

7. By order dt.11-06-2014, the Court below dismissed the said application. It held that even according to the petitioner,

1st respondent is in possession of the suit schedule property; that written statement has been filed by respondent Nos.1 and 2 on 31-10-2007 along with above documents; the petitioner had not approached any authority for obtaining the certified copies of the extract of entries in the pahani register, mutation proceedings and other records relating to issuance of 13-B and 13-C registers, pattadar pass book and title deed to respondents. It held that the petitioner had not preferred any appeal before the Revenue Divisional Officer challenging the issuance of these documents to 1st respondent and since the petitioner had not even given any reason in his petition why he wanted the authorities to be summoned, the application deserves to be dismissed.

8. Challenging the same, this Revision is filed.

9. Learned counsel for petitioner Sri P.Nagendra Reddy contended that the Court below ought not to have dismissed the said application since the documents filed by respondents were issued by the Mandal Revenue Officer, Alair, Dy.Tahsildar, Alair and the Village Secretary, Alair Gram Panchayat and the said Officers, who issued these documents are sought to be summoned in order to seek certain connected details. He further contended that

it is necessary to examine these officials since subsequently when the petitioner applied for these documents, they had allegedly told the petitioner that these documents are not available.

10. It is not disputed that 13-B and 13-C certificates, pattadar pass books of respondent Nos.1 and 2 and pahanis referred to supra had been filed in the year 2007 by respondent Nos.1 and 2. The originals of these documents had been filed by respondent Nos.1 and 2. If the petitioner intended to dispute the genuineness of these documents, he could have taken steps to obtain certified copies of whatever records he intended to file from the above public officials or under the Right to Information Act, 2005. Admittedly, he did nothing in this regard. Also, these documents had been issued prior to 2005 admittedly. The authors of these documents are sought to be summoned by petitioner by filing I.A.No.46 of 2014 in January, 2014 almost 9 years later. It would be difficult for any public officer to remember the accuracy what he did 9 years before he is summoned to give evidence and any such examination of the said public official would be a futile exercise and would not serve any purpose. Therefore, I am of the opinion that the Court below had rightly dismissed I.A.No.46 of 2014.

11. The Civil Revision Petition is without any merit and it

is accordingly dismissed. No costs.

12. As a sequel, miscellaneous petitions pending if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 02-09-2015

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