

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.4361 of 2014

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Dated 26.02.2015

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Between:

Potluri Vijaya Kumari

...Petitioner

and

K.Madhumati and 5 others

...Respondents

Counsel for the Petitioner: Mr.SSR.Murthy

Counsel for the respondents: ---

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 09.10.2014, in IA.No.502 of 2014 in OS.No.183 of 2003, on the file of the Court of the learned Principal Junior Civil Judge, Medchal, Ranga Reddy District.

I have heard Mr.SSR.Murthy, learned Counsel for the petitioner, and perused the record.

Respondent No.1 has filed the above-

mentioned suit for specific performance of an agreement of sale against respondent No.2 and the petitioner herein. Pending the suit, respondent No.2 died and respondent Nos.2 to 6 were brought on record as his legal representatives. The petitioner has filed her written statement wherein she has pleaded that respondent No.2 has executed a registered sale deed in her favour much before the purported agreement of sale pleaded by respondent No.1/plaintiff and that therefore, the suit is liable to be dismissed. In the light of the said plea taken by the petitioner, respondent No.1 has filed IA.No.502 of 2014 under Order XI Rule 14 read with Section 151 of the Code of Civil Procedure, 1908, to direct the petitioner to produce the original sale deed, dated 07-12-1994, in order to send the same along with the agreement of sale, dated 05-12-1994, for comparison of thumb impressions of the deceased respondent No.2 to an expert. The petitioner has filed a counter-affidavit by pleading that if respondent No.1 wants comparison of thumb impressions, there is no reason why she did not seek summoning of the record from the sub-registrar's office. The lower Court has, however, allowed the said application by observing that

respondent No.1 has not pleaded as to the prejudice being caused to her, if she is directed to produce the original sale deed for comparison of the thumb impressions available thereon with those available on the suit agreement of sale.

At the hearing, the learned Counsel for the petitioner submitted that the original sale deed is not presently available with his client and that, therefore, she is unable to produce the same.

In the counter-affidavit filed before the lower Court, no such plea has been taken by the petitioner. As rightly observed by the lower Court, in the absence of any prejudice being pleaded by the petitioner, she cannot resist the request of respondent No.1 for producing the document in question.

For the above-mentioned reasons, I do not find any merit in the Civil Revision Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.5954 of 2014, filed by the petitioner for interim relief, is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 26th February, 2015

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