

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

Civil Revision Petition No.758 of 2015

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Dated 06.03.2015
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Between:

Smt.S.Subba Lakshmi

...Petitioner

and

Machaneni Srinivas Rao and 3 others.

...Respondents

**Counsel for the Petitioner: Mr.V.Rama Krishna
Reddy**

Counsel for the respondents: ---

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 01.12.2014, in IA.No.787 of 2014 in OS.No.223 of 2010, on the file of the Court of the learned Additional Junior Civil Judge at Malkajgiri.

The petitioner has filed the above-mentioned suit for declaration that certain documents, purported to have been executed by her, are invalid and void and also for perpetual injunction

restraining the respondents from interfering with her peaceful possession of the plaint schedule property.

Pending the suit, the petitioner has filed IA.No.787 of 2014 under Rule 129 of the A.P.Civil Rules of Practice and Circular Orders, 1990, to direct respondent No.4 to produce the documents in question.

Respondent No.4- Andhra Bank has filed a counter-affidavit wherein it has *inter alia* stated that the documents, in respect of which a direction is sought to produce, were filed before the Debt Recovery Tribunal (DRT) for recovery of money from respondent Nos.1 to 3 and that the suit having been decreed, a Petition for execution of the same is being filed. Accordingly, respondent No.4 has pleaded that the documents in question are not in its custody.

Having regard to the above plea taken by respondent No.4, the lower Court has dismissed the IA filed by the petitioner.

In this Civil Revision Petition, the petitioner does not dispute the plea of respondent No.4 that the documents, which are sought to be produced, are filed before the DRT in the case filed for

recovery of money from respondent Nos.1 to 3. Therefore, the petitioner is not expected to seek summoning of those documents when they are in the custody of the DRT. Instead of giving an appropriate application for summoning those documents from the DRT, the petitioner has needlessly approached the lower Court by filing IA.No.787 of 2014 and also this Court by way of the present Civil Revision Petition.

Therefore, I find no merit in this Civil Revision Petition and the same is, accordingly, dismissed subject to the above observations.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.1001 of 2015, filed by the petitioner for interim relief, is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 6th March, 2015
LUR