

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 2259 of 2015

ORDER:

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The present Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 10.04.2015 passed in I.A.No.37 of 2015 in O.S.No.68 of 2010 on the file of the Junior Civil Judge, Vemulawada, wherein an application filed by the respondent under Rule 129 of the Civil Rules of Practice to call for ROR proceedings No.B/979/1/2005 dated 10.04.2005 and ROR Proceedings No.B/979/2/2005 dated 10.04.2005 from the office of the Tahsildhar, Gangadhara, was dismissed.

The facts in issue are as under:

The petitioners herein who are the defendants in the suit filed an application under Rule 129 of Civil Rules of Practice requesting the Court to call for ROR proceedings No. B/979/1/2005 dated 10.04.2005 and ROR Proceedings No.B/979/2/2005 dated 10.04.2005 from the office of the Tahsildar, Gangadhara, for verification of the records and compare the signatures of defendant No.1.

The averments in the affidavit filed in support of

the petition would show that the defendant No.1 sold the suit land admeasuring Ac.1.29 guntas situated in Sy.No.422 to one Baikini Ailaiah through simple sale deed dated 12.07.1991, who inturn sold the same to the plaintiff vide sale deed dated 12.1.1992. It was represented by the plaintiff that the name of the plaintiff was entered in the revenue records in the year 2010 vide ROR proceedings No. B/979/1/2005 dated 10.04.2010 and ROR proceedings No. B/979/2/2005 dated 10.04.2010. It was stated in the affidavit that defendant No.1 never sold the suit land to any person and the ROR proceedings are false and fabricated documents. Hence a petition was filed to call for the said proceedings.

After analyzing the material on record, the trial Court dismissed the petition. Challenging the same the present revision is filed.

Learned counsel for the petitioner contended that the trial Court committed an error in rejecting the application.

Rule 129 (3) of Civil Rules of Practice reads as under:

“No Court shall issue such summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been

granted. The Court shall in every case record its reasons in writing and shall require the applicant to deposit in Court, before the summons is issued, to abide by the order of the Court, such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced.”

It is to be seen that the records which are sought to be summoned are all public documents and certified copies of the same can be obtained. Rule 129 (3) of C.R.P. would come into operation if an application for certified copy of the said documents is made and the same has been rejected.

A perusal of the material on record discloses that no steps were taken by the petitioners though they were aware about the dispute. It is to be noted that the suit is of the year 2010 and the case is coming up for defendants’ evidence. At this stage, the defendants came up with the present petition to call for the ROR proceedings for comparing the signatures only with a view to drag the proceedings. Apart from that, even on merits the relief which is sought for could not be granted under Rule 129 (3) of Civil Rules of Practice as the record can be summoned only the party fails to get certified copies from the concerned. In the instant case no material is placed on record to show as to whether the petitioners have applied for issuance of certified

copies of documents which are now sought to be summoned and that the same has been rejected. It is now brought on record that an application was made before the R.D.O. in the year 2011 itself and pursuant there to, the R.D.O. called for the record from the office of M.R.O.

From the aforesaid discussion, it cannot be said that the trial Court has committed any error in rejecting the application made by the petitioners. Hence, the revision is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

10.08.2015

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