

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

C.R.P.No.1055 of 2013

ORDER:

Heard Smt. M.Vidyavathi, learned counsel for the petitioner. None appears for the respondents.

2. This Revision Petition is filed challenging the order dt.23-01-2013 in I.A.No.1130 of 2012 in O.S.No.266 of 2011 of the I Additional Junior Civil Judge, Nellore.

3. Petitioner herein is the plaintiff in the above suit. The said suit is filed by the petitioner for a perpetual injunction restraining the respondents from interfering with her alleged possession and enjoyment of the plaint schedule property.

4. The respondents filed I.A.No.1130 of 2012 to summon the Mandal Tahsildar, Nellore to produce his proceedings dt.22-10-2004 and relevant documents in R.B.1458/04 in respect of an extent of Ac.0.63 cts in Sy. No.93 of Peda Cherurukuru village and give evidence before the Court.

5. In the affidavit filed in support of this application, the respondents contended that the said documents are essential to prove their case and since they are in custody of the Mandal Tahsildar, Nellore, summons be issued to him.

6. Counter affidavit was filed by the petitioner opposing this application denying the contentions of the respondents. She took a plea that the said proceedings are not relevant and do not relate to the plaint schedule property. She also stated that an appeal was preferred against the said proceedings before the Revenue Divisional Officer, Nellore.

7. By order dt.23-01-2013, the Court below allowed the said application observing that an opportunity should be given to the parties to prove that case.

8. Challenging the same, this Revision Petition is filed.

9. Learned counsel for the petitioner contends that the document sought to be summoned is irrelevant and unconnected with the plaint schedule property and the application is filed only to delay the disposal of the suit.

10. Unless the said document is looked into, it will not be known whether it relates to the plaint schedule property or not. Therefore, I do not find any error or infirmity in the order passed by the Court below allowing I.A.No.1130 of 2012.

11. Accordingly, the Civil Revision Petition is dismissed. It is open to the petitioner to raise all objections available to the petitioner at law in the Court below in regard to the said document. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-10-2015

kvr