

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.3545 OF 2015

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the plaintiff in O.S.No.78 of 2014 on the file of XXV Additional Chief Judge, City Civil Court, Hyderabad, aggrieved by the order, dated 19.06.2015, passed in I.A.No.1032 of 2014 in the said Suit.

It is the case of the petitioner that he is the owner of the suit schedule property purchased by way of registered sale deed, dated 20.05.1999, and he has constructed a house thereon with ground and first floors covering an extent of 3,100 Square Feet by obtaining necessary permissions. It is the allegation of the petitioner that as fabricated sale deed with regard to the same property was executed in favour of the respondent by morphing the photos and forging the signatures, he has filed the aforesaid Suit for cancellation of such sale deed along with a petition to grant injunction. Pending the Suit, he has filed the present I.A. seeking to direct the respondent to produce certain documents, details of which are shown in the petition. Respondent filed counter in the said I.A. stating that she is the *bona fide* purchaser of the property in question and as the documents sought to be produced are misplaced, she is not in a position to produce the

same at this stage. The Court below, by impugned order, dated 19.06.2015, has dismissed the I.A..

Heard learned counsel for the petitioner.

As it is the case of the respondent that the documents are not available with her, the petitioner can at most request the Court for drawing a presumption as if such documents are withheld, but in view of the plea of the respondent and in view of the reasons recorded by the Court below, no direction can be granted as prayed for in this revision petition.

Accordingly, the revision petition is dismissed. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J
October 30, 2015
MD