

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.2988 and 3061 of 2015

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COMMON ORDER:

The defendants in O.S. No.2447/2011 are the petitioners herein. The suit was filed by the respondents herein seeking permanent injunction in respect of the plots of land owned by them. The evidence of plaintiffs was completed and during the course of the evidence of defendants, the defendants filed I.A.No.302/2015 to summon the Panchayat Secretary, Ragannaguda Village to depose in respect of the original layout - Ex.B.25, and also filed I.A. No.303/2015 for production of the original layout in respect of Survey No.338 of Ragannaguda Village by the Panchayat Secretary. When the said two applications were dismissed by separate orders dated 19.06.2015, the present Civil Revision Petitions were filed.

It appears that different parties are claiming different plots of land, which resulted in filing of the present suit. The plaintiffs are claiming to have purchased plots from one vendor whereas some of the defendants are claiming to have purchased from another vendor. The defendants filed Ex.B.25-layout plan, attested by the Gram Panchayat, however, they want to prove that document by the persons connected with the document and for that purpose these two applications were filed. The marking of document does not mean that the contents of the document were proved and in those circumstances only, the defendants filed the applications. The apprehension of defendants is not without basis. In the circumstances, the trial Court should have allowed the applications.

Accordingly, the orders passed by the trial Court on 19.06.2015 in I.A. No.302/2015 and I.A. No.303/2015 are set aside and they are allowed. The trial Court shall pass an order summoning the Panchayat Secretary, Ragannaguda Village, for production of the original layout under Ex.B.25, if any, and to speak with regard to the same. The exercise for deposition of the summoned Panchayat Secretary shall be completed on or before 31.12.2015.

The Civil Revision Petitions are allowed accordingly. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Civil Revision Petitions shall stand closed.

A.RAMALINGESWARA RAO, J

25.11.2015

Note: Registry is directed to despatch the
copy of this order within one week

(B/O)

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Date: 25.11.2015

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