

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.962 of 2015

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the Order of the 1st Additional Junior Civil Judge, Chittoor, in I.A.No.881 of 2014 in O.S.No.125 of 2010 dated 28.01.2015.

The I.A. was filed under Order 16 Rule 14 CPC to summon the Tahsildar, G.D.Nellore to produce the 1-B extract, adangals, and cultivation accounts regarding the plaint schedule property. The said application was dismissed by the Court below holding that, since these documents are public documents, the petitioner could have obtained certified copies thereof instead of filing a petition to summon the Tahsildar for causing production of the documents; there was no explanation by the applicant, in his affidavit, whether he had attempted to obtain the revenue records from the office of the Tahsildar, G.D.Nellore; the petitioner ought to have filed the petition only as a last resort, when he was unable to obtain the records from the office of the Tahsildar, G.D.Nellore; and the petitioner has failed to obtain the revenue records from the concerned office by filing an application.

Sri K.Ramamohan Mahadeva, Learned Counsel for the petitioner, would draw attention of this Court to the affidavit filed in support of the I.A., wherein there is a hand written insertion that “***in view of denial of the documents, defendants are summoning officials***”. Learned Counsel would submit that this assertion would show that the petitioner had filed an application, despite which the documents were not supplied.

Neither has a copy of any such application been filed along with the I.A, nor has the petitioner furnished details of the date on which the application was filed. It does appear that no such application was

made. The order of the Court below does not suffer from any patent illegality or infirmity warranting interference under Article 227 of the Constitution of India.

It is made clear that this order, or the order of the Court below, would not preclude the petitioner from making an application, to the office of the Tahsildar, G.D. Nellore, seeking certified copies of the documents.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date:13.03.2015.

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