

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

C.R.P.No.2970 of 2015

ORDER:

The petitioner herein is the first defendant in O.S.No.164 of 2005 and the respondents 3 & 4 herein filed the said suit seeking permanent injunction restraining the defendants 1 to 3 including the petitioner herein from encroaching the 34 feet wide road situated on the east-south corner of the part of plot No.33/30, out of Survey Nos.1100, 1101, 1102 and 1103 admeasuring 327.41 square yards situated at Paul Sab Street, Mahabubnagar.

When the evidence of the last witness is going on, the present application in I.A.No.44 of 2015 was filed seeking to produce Xerox copies of the report of the Mandal Surveyor dated 26.06.2008 and the report of the Mandal Revenue Inspector dated 23.06.2008 as secondary evidence. The said application was dismissed by the trial Court on the ground that no proper grounds were shown by the petitioner/first defendant for admitting secondary evidence.

Now the respondents 3 & 4 filed a counter affidavit after issuance of notice before admission by this Court and granting stay of the suit proceedings till 05.09.2015, by order dated 14.08.2015.

The learned counsel appearing for the respondents 3 & 4 submits that the petitioner/first defendant and other defendants earlier filed I.A.No.417 of 2014 to seek the original documents from the office of Tahsildar, Mahabubnagar and the said petition was dismissed. It also appears that the endorsement made by the Tahsildar, Mahabubnagar on 29.12.2014 shows that they were searching for the record and they have not categorically stated that the said file was missing. Be that as it may, the learned counsel for the respondents 3 & 4 submits that now the evidence is completed in the suit and the suit is posted for arguments.

In the circumstances, I have perused the affidavit filed by the petitioner in the present I.A.No.44 of 2015 and it does not disclose any ground for marking the said Xerox copies as exhibits, more so, after disposal of I.A.No.417 of 2014. The order passed by the learned Junior Civil Judge, Mahabubnagar does not warrant any interference and no material irregularity was committed in passing the order dated 10.07.2015 in I.A.No.44 of 2015 in O.S.No.164 of 2015 dismissing the application.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

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RAMALINGESWARA RAO, J)

Date: 11.09.2015

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Date: 11.09.2015