THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

–

CIVIL REVISION PETITION No.4178 of 2014

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. The petitioner herein is plaintiff in O.S.No.113 of 2009 on the file of the Court of the Principal Junior Civil Judge, Ongole (for short, trial Court). He filed the said suit seeking permanent injunction restraining the defendants (respondents herein) from interfering with the suit schedule property. After completion of the evidence of the petitioner, he filed I.A.No.1796 of 2014 on 26.08.2014 seeking to summon the Tahsildar, Ongole for giving evidence and producing some documents. The petitioner neither gave the particulars of the documents nor explained the reason how the documents are relevant for disposal of the suit. It appears that the petitioner filed a list of documents indicating 18 documents on 17.09.2014.

3. The trial Court considered the affidavit along with the counter filed by the respondents and dismissed the said application, by its order dated 28.10.2014, with the following observations.

> " As seen from the list of documents enclosed to the petition, the petitioner wants to issue summons to Tahsildar to produce representations made by him to the Tahsildar, R.D.O., District Collector and Sub-Registrar, Ongole and communications between the M.R.O., R.D.O. and S.R.O. The petitioner not mentioned how those documents are relevant to prove his case and representation made by him are very much available with him. He can file office copy of those representations. To know the action taken by the concerned authorities basing on the representation, summons shall not be issued to Tahsildar to produce the documents and to give evidence. The petitioner not mentioned how those documents are relating to the plaint schedule property. The correspondence between M.R.O., S.R.O., Ongole, R.D.O. and District Collector are not relevant to prove his case in this suit. The petition is filed to drag the case and to cause delay for disposal of the suit."

Challenging the same, the present Civil Revision Petition is filed.

4. I have carefully perused the affidavit filed in support of the petition seeking summoning of the Tahsildar and it does not contain any reason except stating that he submitted several representations. The list of documents was filed subsequently without taking steps to indicate the reasons for their relevancy in the suit. The suit itself was filed claiming that the petitioner was granted a DK patta on 30.06.1993 and he also submitted an application to the revenue authorities seeking permission to pay the market value for the scheduled property. The xerox copy of the DK patta was already filed along with the plaint. The plaintiff filed O.S.No.333 of 2004 on an earlier occasion for the self-same relief of permanent injunction against the same defendant and it was dismissed for default on 06.09.2005.

5. In the facts and circumstances of the case, the impugned order of the trial Court dated 28.10.2014 in I.A.No.1796 of 2014 is correct and it does not call for any interference. Accordingly, the Civil Revision Petition is dismissed. However, this will not prevent the petitioner from taking necessary steps for adducing evidence in support of his case. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

_____

A.RAMALINGESWARA RAO, J

Date: 27.11.2015

TJMR