

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO.2480 OF 2015

ORDER:

This Revision is filed challenging the order dated 08.04.2015 in I.A.No.9 of 2015 in O.S.No.80 of 2009 on the file of the Principal Junior Civil Judge, Mahabubabad, Warangal District.

2. Petitioner herein is the plaintiff in the suit. The said suit was filed by the petitioner against the respondent for a perpetual injunction restraining the respondent from interfering with the petitioner's peaceful possession over suit schedule property.

3. During the course of trial, the petitioner had marked Ex.A3, a sketch map of the suit schedule land. A suggestion was given to him in the cross examination that the said sketch map was created by him only.

4. Asserting that the said map was prepared by him by referring to the original revenue map of Kandikonda Village and that it is not a concocted one, I.A.No.9 of 2015 was filed by the plaintiff under Order XVI Rules 5 and 6 of the Code of Civil Procedure to summon the Village Revenue Officer, Kandikonda, to verify Ex.A3 by producing the original revenue map of the said Village.

5. By order dated 08.04.2015, the Court below dismissed the said application. It observed that the petitioner had not given valid reasons on what ground the village map is required and there is no dispute about the identification of the property. Simply because a suggestion was given that the said map was prepared by him, it held that it is not a ground to summon the Village Revenue Officer to produce the village map.

6. Challenging the same, this revision is filed.

7. Heard Sri M.Rama Rao, learned counsel for the petitioner and Sri T.S.Anand, learned counsel for the respondent.

8. Although the counsel for the petitioner asserts that Ex.A3 was prepared on the basis of the original revenue map of Kandikonda Village and states that it is necessary to secure the presence of the Village Revenue Officer of Kandikonda Village to verify Ex.A3 by producing the original revenue map, I am unable to agree with the said submission. If the petitioner feels that the original revenue map of Kandikonda Village is necessary to prove his case, he can as well obtain certified copy from the authority having custody of the said revenue map and file it before the Court below. For this purpose, it is not necessary to summon the Village Revenue Officer of Kandikonda Village to give evidence and to produce it.

9. Therefore, granting liberty to the petitioner to apply and obtain a certified copy of the original revenue map of Kandikonda Village and file the same in the suit, this Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(M.S.RAMACHANDRA RAO, J)

5th October 2015

RRB