

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

CIVIL REVISION PETITION No.3759 of 2015

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Between:

Kuraganti Pulla Rao and others

...Petitioners

and

Kuraganti Chenna Rao and others

...Respondents

DATE OF JUDGMENT PRONOUNCED: 11.09.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment
may be marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to

see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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...Respondents

COUNSEL FOR THE PETITIONERS : SRI M.V.PRATAP KUMAR

COUNSEL FOR THE RESPONDENTS : NONE APPEARS

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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ORDER:

This Civil Revision Petition arises out of order, dated 29.07.2015 in I.A.No.896 of 2015 in O.S.No.117 of 2014 on the file of the learned Principal Junior Civil Judge, Mangalagiri.

Respondent No.1 has filed the above-mentioned suit for partition and separate possession of his share in the suit schedule property. After the cross-examination of respondent No.1 examined as P.W.1, the petitioners have filed the above-mentioned I.A. under Order XVI Rule 6 CPC seeking summoning of Tahsildar, Mangalagiri for production of death register of 1972 relating to Neerukonda Village in order to know whether the death certificate produced by respondent No.1 in his evidence as P.W.1 to the effect that his father, Pullaiah, has died in 1972 was genuine or not. The lower Court has dismissed the said I.A.

I have heard Sri M.V.Pratap Kumar, learned counsel for the petitioners and perused the record.

There is a dispute as to whether the father of respondent No.1 died in 1972 or in 1975. Respondent No.1 has produced a death certificate issued by the Tahsildar, Mangalagiri Mandal to the effect that Pullaiah has died in 1972. Except stating that the ground on which the petitioners have sought for summoning of the death register to know whether the entry in the death register was manipulated or not, as rightly observed by the lower Court, the petitioners have not made any effort to verify the death register, which is a public record and which is in the custody of the Tahsildar, Mangalagiri, to know whether the death register was manipulated or not. In the affidavit filed in support of the application, a vague averment is raised that in order to know whether the death register is manipulated or not, summoning of Tahsildar is

necessary. No reasons have been assigned by the petitioners for their failure to obtain a death certificate from the Tahsildar. A death certificate being a public document, its contents are admissible in evidence under Section 76 of the Indian Evidence Act, 1872. Unless the petitioners have produced a piece of evidence which is at variance with the death certificate obtained by respondent No.1, the Court is not obliged to summon the Tahsildar, who has issued the death certificate, merely based on a suspicion expressed by the petitioners.

The learned counsel for the petitioners has placed reliance on the judgment in **ELDHOSE v. YACOB AND OTHERS** in support of his averment that the Court cannot insist on a party to obtain a document under Right to Information Act, 2005. On a careful perusal of the said judgment, I am of the opinion that it has no application to the present case as in that case, the advocate commissioner appointed for inspection of the land in order to decide the boundary dispute has filed a report expressing his inability to execute the warrant in the absence of an acquisition sketch relating to the land. An application filed by the party, at whose instance, the advocate commissioner was appointed for summoning the acquisition sketch, was dismissed by the lower Court on the ground that the said document being a public document should have been obtained under Right to Information Act, 2005. The High Court has interfered with the said order and held that as the sketch was necessary for the purpose of carrying out the warrant by the advocate commissioner, lower Court ought to have summoned the said document.

The above facts show that the judgment of Kerala High Court has turned on its own facts and there is no similarity between the facts of that case and the case on hand.

For the above-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of Civil Revision Petition, CRP.MP.No.5038 of 2015 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

11th SEPTEMBER, 2015.

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