

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

FRIDAY THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 2159 OF 2015

Between:

Mr.Chalamcherla Srinivas Reddy ... Petitioner/Respondent

V/s.

Mr.Putchapalli Abhishek ... Respondent/Petitioner

Counsel for the Petitioner: Sri Aadesh Varma

Counsel for the Respondent: Sri V.R. Machavaram

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 2159 OF 2015

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ORDER:

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The defendant in OS.No. 239 of 2010 in the Court of Principal Junior Civil Judge, Kavali, is the Revision Petitioner. The Revision is directed against the docket order dated 20/02/2015 in I.A.No. 497 of 2014.

2. The prayer in I.A.No. 497 of 2014 reads as follows:

To direct the Tahsildar, Kavali, to cause production of the respondent/defendant application dated 15/12/2010 and Tahsildar proceedings, Kavali in R.C.B.No. 243/2011 dated 25/02/2011, and No.3 adangal, 1-B namuna and according to the WP.No. 14395/2010 Deputy Surveyor submitted his report to the Tahsildar, Kavali, dated 10/10/12 and to depose as per the proceedings.

3. The brief order assailed in the Revision Petition reads thus:

“The respondent opposed that title cannot be decided in a suit for permanent injunction has no necessary to call for documents. Moreover section of law is not correct. On perusing the record, mere quoting of section of law as incorrect is not fatal to the case of the petitioner and no prejudice will cause to the respondent if he produced the documents. Hence, this petition is allowed in the interest of justice.”

4. At the time of hearing, the learned counsel appearing for the respondent/plaintiff fairly states that the order impugned in the Revision is bereft of any reasoning and that he has difficulty in sustaining the same. A bare look at the order dated 20/02/2015, this court is compelled to note that the brief order suffers from contradictions and that there is no coherence for exercising the discretion to summon the documents at the present stage of trial. As the learned counsel for respondent admits that the matter requires fresh consideration by the learned trial judge, this court is not undertaking further examination of the impugned order.

5. For the above reasons, the order under Revision is set aside, I.A.No. 497 of 2014 is remitted to the trial court for fresh disposal strictly in accordance with law, and by taking note of view expressed by this court, in summoning the documents vis-à-vis remedy available to a party to produce certified copies from the statutory authorities etc.

6. Revision is allowed and remanded.

7. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT

14/08/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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