

**THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

**C.R.P. No. 8 OF 2015**

**ORDER:**

Heard both sides.

For this Court while sitting in revision there is nothing to interfere with the impugned dismissal order of the lower Court passed in I.A No.965 of 2014 in O.S No.117 of 2010 on 26.11.2014 to summon the Deputy Tahsildar, Dichpally, to produce the so called original record in relation to the pahani in saying the patta obtained is by alteration of original records and the fact can be established by such summoning. In fact the lower Court dismissed the application on the ground that after closure of the plaintiff's side evidence more than 1 ½ year back, she came forward with the petition and there are no grounds to consider. There is nothing to entertain the application for summoning the Deputy Tahsildar, to produce the original record even otherwise; more particularly, for the reason that defendant No.3 is the Tahsildar and defendant No.4 is the RDO in the suit and Tahsildar is the custodian of the record and a notice to produce to the party defendants on record is under Order XII Rule 8 CPC as prescribed by the forms of CPC and the other remedy is under Order XI Rule 14 CPC and not by petition to summon Deputy Tahsildar as a witness.

Having regard to the above, subject to liberty to avail any such remedy, the revision is disposed of at the stage of admission.

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**B.SIVA SANKARA RAO,J**

**Date:20.02.2015**

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Date:19.02.2015

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