

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION NO.2681 of 2016

ORDER

Assailing the order dated 29.04.2016 passed in I.A.No.264 of 2016 in O.S.No.54 of 2010 on the file of the Senior Civil Judge's Court, Puttur, wherein an application filed to summon the Tahasildar, Narayanavanam Mandal, and to produce original records relating to land in S.No.260/2 and other sub-division was dismissed, present revision is filed.

In spite of service of notice, none appears for the respondent-plaintiff.

Heard the learned counsel for the petitioner. Perused the material on record.

As seen from the material on record, the plaintiff filed O.S.No.54 of 2010 seeking declaration of title and for delivery of possession in respect of suit schedule property. In the said suit, defendant has filed written statement. Plaintiff got filed Exs.A.1 to A.13 and thereafter the defendant was examined as DW.1 and Exs.B.1 to B.6 were marked. It is the case of the revision petitioner that Exs.B.1 to B.6 which include the correspondence between the District Collector and Tahasildar and also the DO letter and sub-division for survey No.260, was denied by P.W.1 in his cross examination. Hence, the defendant filed I.A.No.264 of 2016 seeking to direct the Tahasildar to produce Book No.4 of DKT Register for S.No.260/2 and other sub divisions regarding grant of DKT patta to defendant and others, sub divisional FMB for S.No.260, 1(b) register extract for S.No.260 and with sub divisions

and also original documents of Ex.B.3 to B.6. After considering the rival arguments, the trial Court rejected the request of the petitioner. Aggrieved over the same, present revision has been preferred.

Learned counsel appearing for the petitioner submits that those documents are very much essential for proving his case since the plaintiff claims to be the owner of the entire land in S.No.260 whereas the defendant was granted DKT Patta in respect of land in S.No.260/2. Thus, he submits that production of original correspondence, which is available with the Tahasildar concerned, is very much essential.

As seen from the impugned order, the learned trial Judge while rejecting the request of the revision petitioner-defendant opined that no specific reasons are mentioned for summoning the witness. The reason assigned by the learned Judge, in my opinion, is not sustainable for the reason that the claim of the respondent herein is that he is the owner of the entire land in S.No.260 whereas a portion of the said land is claimed to have been given to the revision petitioner by way of DKT Patta. That being so, summoning the Tahasildar, producing and marking of documents through him will not cause any prejudice to the plaintiff and more over it would help the trial Court in arriving at a just decision.

Hence, the order dated 29.04.2016 passed in I.A.No.264 of 2016 in O.S.No.54 of 2010 by the Senior Civil Judge, Puttur, is hereby set aside and the Civil Revision Petition is allowed.

Miscellaneous petitions pending in this revision, if any,
stand closed.

JUSTICE C. PRAVEEN KUMAR

06.09.2016
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