

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**CIVIL REVISION PETITION NO.3788 OF 2016**

**O R D E R**

This Civil Revision Petition under Article 227 of the Constitution is directed against the order dated 02.06.2016 passed by the learned Additional Junior Civil Judge, Malkajgiri, Ranga Reddy District, in I.A.No.441 of 2016 in O.S.No.78 of 2014. The said I.A. was filed by respondents 1 and 2/plaintiffs under Order 11 Rule 14 CPC seeking a direction to respondent 3/defendant 1 to produce the original sale deed bearing Document No.2978 of 1985 dated 06.09.1985. By the order under revision, the trial Court directed the petitioners/defendants 3 and 4 to produce the said sale deed. Aggrieved thereby, they are before this Court by way of this revision.

While ordering notice before admission on 12.08.2016, this Court took note of the fact that the petitioners/defendants 3 and 4 contended that there was no evidence given by P.W.1, as opined by the trial Court, that they had the custody of the original of the document and accordingly granted interim suspension of the order under revision.

Heard Sri P.Shiv Kumar, learned counsel for petitioners/defendants 3 and 4 and Sri G.Sanjay Kumar, learned counsel appearing for respondents 1 and 2/plaintiffs.

The trial Court observed as under in the penultimate paragraph of the order under revision:

The contention of the respondent No.1 is that the original Sale Deed is not available with him and has been handed over to the prospective purchasers. The said fact is not denied by the petitioners and the petitioners themselves got the successors-in-interest of the defendant No.1 impleaded in the

suit. As per the record and as evident from the suggestion put to Pw-1 during his evidence the defendant No.3 and 4 are having the custody of the original sale deed.'

It is therefore clear that the reason for requiring the petitioners/defendants 3 and 4 to produce the original document was the suggestion said to have been put to P.W.1 during his deposition. As this aspect was disputed by Sri P. Shiv Kumar, learned counsel, the evidence of P.W.1 was directed to be placed before this Court. Today, photocopies of the P.W.1's examination-in-chief and cross-examination are placed before this Court. Both the learned counsel agree that no suggestion was put to P.W.1 as to the petitioners/defendants 3 and 4 having the custody of the original sale deed bearing Document No.2978 of 1985 dated 06.09.1985.

As the only basis for the trial Court to direct production of this original by the petitioners/defendants 3 and 4 was so the so-called suggestion to this effect put to P.W.1 during his deposition, which is found to be factually incorrect, the order under revision is set aside and the matter is remitted to the file of the trial Court for consideration afresh. The trial Court shall also be mindful of the fact that the plaintiffs sought production of this original sale deed from the custody of defendant 1 and not defendants 3 and 4.

The Civil Revision Petition is accordingly allowed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

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**SANJAY KUMAR, J**

**25<sup>th</sup> NOVEMBER, 2016**

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