

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

CIVIL REVISION PETITION NO.2636 OF 2016

DATED:10-06-2016

Between:

Lakavarapukota Ganga Thrinadha Rao ... Petitioner

And

P. Satyanarayana
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. G. Rama Gopal

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This civil revision petition is filed against order dt.13.4.2016 in I.A. No.484 of 2016 in O.P. No.1066 of 2007 on the file of the learned Principal District Judge, Visakhapatnam.

The petitioner is respondent No.14 in the above said O.P. filed by respondent No.1 for a declaration that the Resolutions passed by the Managing Committee of the Edible Oil Tanker Trucks Owners Association on 07.07.2004 and 22.07.2007 are illegal and for further a declaration that the sale deed executed by them in favour of Mr. Chekuri Venkatapati Raju, is null and void. The vendor of the petitioner died. The petitioner was impleaded as respondent No.14 in the O.P. He filed I.A. No.483 of 2016 for reopening the evidence in the O.P., and I.A. No.484 of 2016 for issuing summons to the Station House Officer, IV Town Police Station (Law & Order), Visakhapatnam, to produce (i) F.I.R. along with written complaint; (ii) Statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, and (iii) charge sheet and final report along with case diary pertaining to Crime No.381 of 2009. These applications were dismissed by the learned District Judge, Visakhapatnam.

A perusal of the order under revision shows that the Court below has referred to the relevant correspondence between the I Additional Chief Metropolitan Magistrate, Visakhapatnam, and the Commissioner of Police pertaining to production of CD file relating to Crime No.381 of 2009 and that in the letter dt.18.12.2015 of the Inspector of Police it was clearly mentioned that the CD file relating to the said crime was not available in the Police Station. The Court further held that it is evident from the cross-examination of PW 1 that the petitioner has put a suggestion that the said witness did not present any report to the IV

Town Police Station and in particular the report relating to Crime No.381 of 2009, and that contrary to his own pleading the petitioner is now seeking production of documents relating to the said crime number, that too when the O.P. itself was reserved for orders. On the above noted facts, the learned District Judge concluded, and in my view rightly, that the application was filed to drag on the matter and cause unnecessary delay in disposal of the O.P. pertaining to the year 2007. Having carefully considered the reasons assigned by the learned District Judge, I do not find any reason to interfere with the order under revision.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.3362 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-06-2016

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