

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2389 of 2016

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Date: 03.06.2016

Between:

Vemula Somi Naidu and another

.. Petitioners

and

Geddani Narasinga Rao

.. Respondent

**Counsel for the petitioners :
Rao**

Mr.Mangena Sree Rama

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The Court made the following:

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Order:

This Civil Revision Petition arises out of Order, dated 16-03-2016, in IA.No.261 of 2016 in OS.No.113 of 2011, on the file of the Court of the learned Junior Civil Judge, Gajuwaka.

The petitioners filed OS.No.113 of 2011 for permanent injunction simplicitor against the respondent in respect of the suit schedule property. During the trial, the respondent has filed certified copies of certain documents. After completion of trial, when the case was coming up for arguments, the petitioners have filed the above-mentioned IA under Order XVI Rule 1 of the Code of Civil Procedure, 1908, to summon the Special Grade Deputy Collector, Steel Plant (L.A.), Visakhapatnam, to produce the records relating to the suit schedule plot including the one pertaining to WP.No.30845 of 2012 and to give evidence with respect thereto. This Application was dismissed by the lower Court. Feeling aggrieved thereby, the petitioners filed this Civil Revision Petition.

The main purpose for which the petitioners filed the above-mentioned IA was to prove that the documents produced by the respondent are not genuine. In my opinion, the burden lies on the respondent to prove the authenticity of the said documents in the light of the provisions of the Indian Evidence Act, 1872. Being the plaintiffs, the initial burden is on the petitioners to establish the legal parameters for grant of decree of injunction in

their favour. Therefore, it is wholly unnecessary for them to seek summoning of the Special Grade Deputy Collector, Steel Plant (L.A.), Visakhapatnam, in connection with the documents produced by the respondent/defendant. On these facts, the lower Court has rightly dismissed the application filed by the petitioners. In view of the above, I do not find any reason to interfere with the order of the lower Court.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.3030 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd June, 2016
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