

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.5398 of 2016

ORDER:

This civil revision petition is filed by the petitioners under Article 227 of the Constitution of India aggrieved by the order, dated 22.09.2016, passed by the Principal Senior Civil Judge, Kakinada, passed in I.A.No.1132 of 2016 in O.S.No.914 of 2012.

Heard and perused the material available on record.

The petitioners/defendants filed the above said I.A. to call for the possessory agreement of sale, dated 05.10.2002, from the record A.S.No.25 of 2010, on the file of III Additional Senior Civil Judge, Kakinada.

The learned Principal Senior Civil Judge, at Kakinada, dismissed the above said I.A. vide order, dated 22.09.2016, by observing as follows:

“As the petitioners already approached the Hon’ble High Court and obtained orders for getting document-Ex.B.3, therefore, there is no reason in filing the present I.A., seeking the relief i.e. to send for the document. In view of the orders of the Hon’ble High Court mentioned in S.A.M.P.No.976 of 2016 in Second Appeal No.129 of 2014, dated 01-07-2016 the petition is liable to be dismissed.”

When the matter is taken up for consideration, learned counsel for the petitioners informed that the record which is sought for production before the Court concerned is lying in the record room of the Principal District Judge, Central Record Room, East Godavari District.

Considering the said facts and circumstances, the impugned order, dated 22.09.2016, in I.A.No.1132 of 2016 in O.S.No.914 of 2012, on the file of the Principal Senior Civil Judge, Kakinada, is

set aside and the learned Principal Senior Civil Judge at Kakinada, is directed to call for the record, which is available in the record room of the learned Principal District Judge, East Godavari District, and proceed further, in accordance with law.

Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.

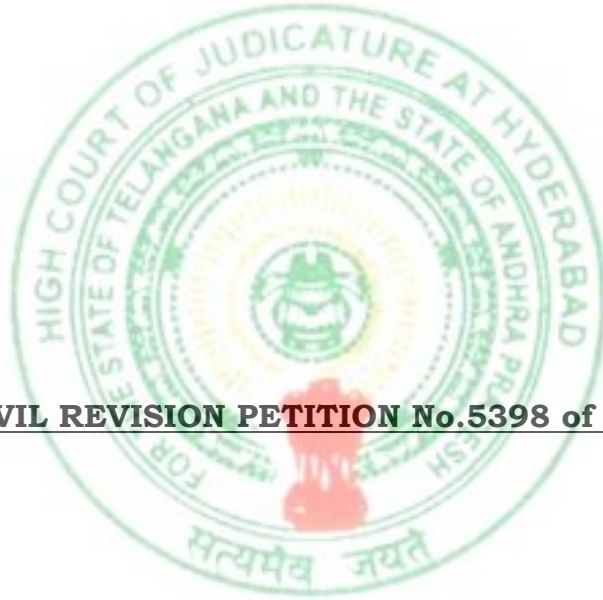
RAJA ELANGO,J

Date: 28th December, 2016

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