

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.916 of 2017

ORDER:

The petitioner has come up with the present revision challenging an order passed by the trial Court refusing to reopen the evidence and to issue summon to the Bank of the defendant to produce the title deeds allegedly deposited by the defendants.

2. Heard Mr. Kowturu Pavan Kumar, learned counsel for the petitioner.

3. The suit is one for injunction. The petitioner/plaintiff claims title and possession on the basis of D-form patta granted by the Government. The respondents/defendants appear to have filed two documents Exs.B.1 and B.2 to prove title. After obtaining information under the Right to Information Act, 2005 that those documents were not allegedly given by the revenue authorities, the petitioner went before the trial Court to summon the Bank Manager for the production of the original title deed, if any, filed by the respondents, for the purpose of either proving that some other title deed was deposited by the defendants with the Bank or for proving that Exs.B.1 and B.2 were not genuine. But the trial Court dismissed the application on the ground that it was wholly beyond the pale of controversy. Hence, the petitioner is before me.

4. As stated above, the suit is not one for title but one for injunction. What is important in such a case is possession. But both parties appear to have elevated the suit to one of title.

5. If the positive case of the petitioner is that he had obtained information under the Right to Information Act, 2005 from the revenue authorities to the effect that Exs.B.1 and B.2 are not genuine, that itself should be sufficient for the petitioner, to clinch the issue. We do not know why the Bank should be summoned to report to the Court whether there is any title deed and if so whether it relates to the suit property or not.

6. Therefore, I find no reasons to entertain the revision. Hence, the Revision Petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 10-03-2017

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