

THE HON'BLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION No.5242 OF 2016

ORDER:

The defendants in O.S. No.105 of 2009 in the Court of Junior Civil Judge, Nandikotkur are the revision petitioners.

The revision petitioners filed I.A. No.151 of 2013 under Order 26 Rule 1 of Civil Procedure Code to issue summons to D.S.P., A.C.B., Kurnool Range to produce the documents detailed in the schedule appended to the instant petition. Prayer was resisted by the respondent/plaintiff. The trial Court, through the order impugned in the revision, rejected the prayer. Hence, the Civil Revision Petition.

Mr. D. Seshasayana Reddy, learned counsel for the petitioners, contends that the production of documents is relevant and necessary for effective disposal of real fact in issue between the parties. The petitioners herein are naturally not having custody of the originals, therefore, the trial Court ought to have allowed the application and directed the D.S.P., A.C.B., Kurnool to produce the documents shown in the schedule. The answer to the contention of the learned counsel is very much available in the reasons given by the trial Judge in the order impugned in the revision. One of the reasons weighed with trial Court that the petitioner can certainly produce certified copies obtained from the revenue department and proceed with the trial.

It is to be noted that summoning originals for the purpose for which it is stated in the affidavit as rightly observed by the trial court is unacceptable. The petitioners, if so advised, can obtain certified copies of assignment register and file the same in the suit.

With the above observation, this Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous petitions, pending if any in this Revision Petition, shall stand closed.

Dt. 25.01.2017
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S.V. BHATT, J.

