

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.1355 of 2017

ORDER:

Present Civil Revision Petition is filed assailing the order dated 03.02.2017 passed in I.A.No.99 of 2017 in O.S.No.323 of 2012 by the Principal Junior Civil Judge, Tirupati, wherein the application filed by the petitioners-defendants under Order XVI Rule 1 and 2 and Section 151 of the Code of Civil Procedure to summon the Tahasildar, Tirupati Rural Mandal, for causing production of the petition mentioned documents, was dismissed.

Heard the learned counsel for the petitioner and perused the material on record.

There is no necessity to put the sole respondent on notice since this Court is not venturing to adjudicate the case on merits.

Respondent-plaintiff filed O.S.No.323 of 2012 seeking injunction restraining the petitioners from interfering with her peaceful possession and enjoyment of the suit schedule property. After completion of the evidence, arguments were heard by the Court below and thereafter the case was reserved for judgment. At that point of time, petitioners came up with present application seeking to summon the Tahasildar for causing production of DKT Patta Register. Assailing the order of dismissing the said application, present Civil Revision Petition is filed.

The main purpose for summoning the Tahasildar is for causing production of DKT Patta Register so as to prove that the respondent-plaintiff has nothing to do with the plaint schedule property and the petitioners-defendants were in possession and enjoyment of the same.

As seen from the material on record, in the main suit entire arguments are over and the case is reserved for judgment. The plea now taken by the petitioner was available to them at the time of filing of the suit also. Though the petitioners have taken the said plea in their written statement, failed to take steps for filing this application at the earliest point of time. No cogent reasons are forthcoming from the petitioners for the same. Hence, I see no merits in this revision and the Court below rightly rejected the request of the petitioners.

Therefore, the Civil Revision Petition is dismissed.

Miscellaneous petitions pending in this revision, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

17.03.2017
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