

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3393 OF 2017

DATED:14-07-2017

Between:

Kotu Sarath Kumar
and another

... Petitioners

And

V. Bulli Venkata Reddy
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Ramprasad Pathipaka

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition is filed against order dt.20.4.2017 in I.A. No.265 of 2017 in E.O.P. No.939 of 2010, on the file of the II Additional District Judge, Visakhapatnam.

I have heard Mr. Ramprasad Pathipaka, learned counsel for the petitioners, and perused the record.

The petitioners filed the aforementioned E.O.P. under Section 23 of the Andhra Pradesh Societies Registration Act, 2001, for a declaration that the thirty-one lists of names of the Managing Committee of the Society for Collegiate Education filed before the Registrar of Societies and got registered as document Nos.1/2005 to 31/2005 and, the amendments to the Rules and Regulations and got registered as Document No.1/2005 on 16.2.2005 are illegal and void ab initio, etc. After commencement of the evidence in the E.O.P., they filed I.A. No.265 of 2017 under Order XVI Rules 1 and 4 of the Code of Civil Procedure, 1908 (CPC) to issue summons to the Registrar of Societies, Visakhapatnam, for causing production of the list mentioned documents. In the affidavit filed in support of this application, the only reason mentioned for such belated application is that during the cross-examination of P.W.1, the respondents have denied the filing of the lists 1 to 31 before the Registrar of Societies, Visakhapatnam and that therefore in order to prove that such lists have been filed before the Registrar, they need to be summoned. In their counter affidavit, the respondents have stated that the certified copies of the alleged documents are already on record and therefore there was no need for summoning them once again. The lower Court has dismissed the application mainly on the ground that the list mentioned documents are public documents, the certified copies of which can be obtained under

Section 65(e) of the Indian Evidence Act, 1872 and that the petitioners have not followed the procedure under Rule 129 of the Andhra Pradesh Civil Rules of Practice and Circular Orders, 1980, whereunder it is incumbent upon the party seeking to cause production of any public or private record for which a certified copy can be obtained, to exhaust all the remedies and if it failed in its efforts to get the certified copies, then only it can approach the Court for causing production of such record.

The learned counsel for the petitioners submitted that the respondents themselves admitted in the counter affidavit that the certified copies of the documents sought to be summoned by the petitioners are already on record, and that in order to prove that those lists are forged one, the petitioners sought to summon the documents through the Registrar.

The E.O.P. is of the year 2010. It is not the pleaded case of the petitioners that the respondents have not taken a stand regarding the genuineness or otherwise of the lists in their counter affidavit filed in the E.O.P. The petitioners have not filed a reply to the counter affidavit of the respondents. Therefore, it is reasonable to presume that the respondents must have raised their plea regarding the lists not being filed as alleged by the petitioners before the Registrar or such lists being filed they are not forged. If the petitioners were diligent, they should have filed an appropriate application before the commencement of the trial for summoning the original lists, if any. They cannot be permitted to file belated applications before the commencement of the trial by showing the questions put to P.W.1 during his cross-examination, as a ground for the relief sought for. Indeed, applications of this nature would cause enormous delays in disposal of the cases. Apart from the reasons

mentioned by the lower Court, an additional ground on which I.A. No.265 of 2017 deserves to be thrown out is the belatedness with which it was filed.

For the aforementioned reasons, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.4475 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

14-07-2017

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