

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.3289 OF 2017

ORDER :

The Civil Revision Petition is filed against the order dated 02.06.2017 passed in IA.No.155 of 2016 in OS.No.80 of 2011, filed by the petitioners/defendants before the Court below, under Order 16, Rule 10 CPC with a prayer to issue summons to Secretary, Gram Panchayath, Theegalaguttapalli Village of Karimnagar Mandal, to appear along with approved layout.

Learned counsel for the petitioners submits that for the purpose of adjudicating the *lis* in the suit, the evidence of Panchayat Secretary is very much relevant and that he will be in a position to explain the issue.

A reading of the affidavit filed in support of the petition filed before the Court below is also not clear for what purpose the Secretary, Gram Panchayat has to be summoned.

In the counter affidavit filed in IA.No.155/2016 in OS.No.80 of 2011 it is stated that the evidence of Secretary will be inadmissible as he is not the Secretary at the time of granting of permission; that no one has stated that there is approved lay out with the Grampanchayat; and that without disputing the Commissioner Report, question of summoning the Secretary is quite irrelevant and no bearing to the case.

A perusal of the order of the Court below goes to show that the petitioners have not explained the main purpose for which they want to summon and examine the Panchayat Secretary. The Court below also found that the Secretary cannot be summoned only for the purpose of producing the layout; that if it is an approved layout, it is a public document and the petitioners can obtain certified copy of the same and file before the Court; and that summoning the Secretary is nothing but waste of Court's time.

In view of the above, I do not find any error in the Order dated 02.06.2017 passed by the Court below in IA.No.155 of 2016 in OS.No.80 of 2011, warranting interference of this Court by exercising power under Article 227 of the Constitution of India. As such, the Civil Revision Petition is dismissed. No order as to costs.

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

A.RAJASHEKER REDDY, J

11.07.2017
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