

The Hon'ble Sri Justice C.V.Nagarijuna Reddy

Civil Revision Petition No.5402 of 2017

Date: 13.10.2017

Between:

Kandipilli Nagamani

..... Petitioner

and

Greater Visakhapatnam Municipal Corporation
Visakhapatnam and another

.....Respondents

Counsel for the Petitioner: Mr.Koka Srinivasa Kumar

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 03.07.2017, in IA.No.349 of 2017 in OS.No.2359 of 2006, on the file of the Rent Controller –cum- IV Additional Junior Civil Judge (FAC) III Additional Junior Civil Judge, Visakhapatnam (for short ‘the Court below’).

We have heard Mr.Koka Srinivasa Kumar, learned Counsel for the petitioner, and perused the record.

The petitioner/plaintiff filed the afore-mentioned suit for injunction simplicitor against the respondents. Earlier, the petitioner has filed an application for summoning four numbers of documents from the Joint Collector and Competent Authority, Urban Land Ceiling, Visakhapatnam. The said application was allowed by the Court below and in pursuance of summons, dated 12-09-2016, the Joint Collector and Competent Authority, Urban Land Ceiling, has produced two numbers of sketches, which were stated to be available with him. For the remaining two sketches, the petitioner has filed IA.No.349 of 2017 for summoning the Chief Commissioner, CCLA of State of A.P. (Hyderabad), to produce the same. This Application having been dismissed, the petitioner has filed this Civil Revision Petition.

As rightly observed by the Court below, being the plaintiff, the burden lies on the petitioner to adduce documentary evidence in support of the relief of permanent injunction claimed by her. The sketches, in respect of which the petitioner sought for summoning the Chief Commissioner, CCLA of State of A.P. (Hyderabad), are public documents. The suit is of the year 2006. Though there was ample time for the petitioner to obtain certified copies thereof, she has failed to secure the same. In a suit filed for perpetual injunction simpliciter, the petitioner cannot seek summoning of the documents in order to gather evidence in support of her pleadings.

In the light of the above-discussed reasons, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.7019 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 13th October, 2017
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