

THE HON'BLE SRI JUSTICE M. S. K. JAISWAL

C.R.P.No. 852 of 2017

ORDER:

Heard the learned counsel appearing for the parties and considered the material on record.

2. The present civil revision petition is directed against the common order passed in I.A.Nos.139 & 140 of 2016 in O.S.464 of 2007 on the file of Additional Senior Civil Judge, Srikakulam, dated 08.07.2016, by and under which, the applications of the petitioner/plaintiff to summon the Survey Land Register, 1(B) Register, Field Measurement Book, SLR and Adangal records with regard to suit schedule property in Sy.No.126/ 25B, and reopen the suit were dismissed.

3. It appears that this suit was clubbed with another connected suit – O.S.No.344 of 2009 and they are coming up for joint trial, in which the evidence was concluded and at the stage of arguments, the plaintiff in the present suit filed the above applications to summon some revenue records on the ground that they are very much necessary for adjudicating the controversy between the parties. However, the learned Additional Senior Civil Judge, Srikakulam dismissed the applications on the ground that they have filed belatedly and that previously, the application for a similar relief was dismissed by the Court as not pressed.

4. A perusal of the record shows that the suit is in respect of an agricultural land, and there is another suit with regard to the same property. Though the applications are made to summon the

relevant revenue records belatedly, but solely on that ground, the applications cannot be rejected. The documents that are sought to be summoned are revenue records from the office of Tahasildar, Etcherla Mandal. Therefore, the said relief can be allowed with certain conditions.

5. In view of the above, the revision petition is allowed, and the impugned order of the trial Court is set aside. Consequently, I.A.Nos.139 and 140 of 2016 in O.S.No.464 of 2007 on the file of Additional Senior Civil Judge, Srikakulam, are allowed, on condition of the petitioner/plaintiff paying an amount of Rs.2,000/- (Rupees two thousands only) to the District Legal Services Authority, Srikakulam, and also on payment of process for summoning the revenue records from the Tahsildar concerned, within a period of one week from the date of receipt of a copy of this order. If the records are not received within a month from the date of issuing summons by the trial Court, the matter shall be closed. Therefore, the petitioner can take effective steps to see that the summons are served and the records are produced before the trial Court expeditiously.

6. The CRP is accordingly allowed. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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M.S.K.JAISWAL,J

Date: 06.06.2017

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Note: Furnish copy today itself. B/ o. Dsr

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