

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.293 of 2017

ORDER:

This Civil Revision Petition under Article 227 of the Constitution of India came to be filed impugning the order dated 28.12.2016 wherein the application filed by the petitioner under Order XVI Rule 6 of the Code of Civil Procedure seeking to summon the Tahasildar, G.D.Nellore, to cause production of the documents listed in the petition and to give evidence, was dismissed.

It is to be noted that the main suit is of the year 2005. The petitioners herein are the defendants in the said suit. They seek summoning of the Tahasildar on the ground that pattadar passbooks and title deeds are not issued by the revenue authorities by following the due procedure. It is their case that since the revenue records disclose that the petitioners are in possession of the property, summoning of Tahasildar is necessary for adjudicating the issue. It is further submitted that though they applied for certified copies of documents relating to subject matter of the suit, copies of the same were not furnished to them. Hence, the present application came to be filed before the Court seeking to summon the Tahasildar.

A counter affidavit came to be filed opposing the averments made in the affidavit filed in support of the application before the Court below contending that the main suit is of the year 2005 and the impugned application is filed in the year 2016. It is further contended that in the evidence of defendants it was admitted that pattadar passbook and title deed were issued in favour of the plaintiff, against which an appeal was preferred before the Revenue Divisional Officer, Chittoor. It is further

contended that no documentary proof has been filed by the petitioners-defendants to show that they have at least applied for copies and the same was rejected. Hence, prayed for dismissal of the application.

Heard and perused the material on record.

The Court below rejected the request of the petitioners on two grounds *viz.*, (1) that similar application filed by the respondent-plaintiff was rejected earlier; and (2) the petitioners can get certified copies of those documents instead of seeking production of the documents.

The learned counsel for the petitioners mainly submits that the petitioners have approached the revenue authorities for issuance of certified copies of the documents, but the same were not furnished, which made the petitioners to file the present application before the Court below.

Considering the material on record and the arguments advanced by the learned counsel for the petitioners, the Civil Revision Petition is disposed of directing the Tahasildar, G.D.Nellore, to deal with the application made by the petitioners for issuance of certified copies of documents, if not already issued, as expeditiously as possible.

Miscellaneous petitions pending in this petition, if any, shall also stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

06.02.2016
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