

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.6464 of 2017

ORDER:

Heard before admission and perused the grounds urged in the revision and the impugned order of the lower Court.

The plaintiff/revision petitioner as PW.1 in the course of his evidence placed reliance on the certified copy of the revenue record that were already exhibited in his chief examination as Exs.A1 to A.20 which are in relation to the survey Nos.374/B2 and 373/2 and those are in relation to permanent revenue record of 1B register and 1A register and revenue adangals for fasali 1415 to 1427 respectively. It is in the course of cross examination of PW.1 by the learned counsel for the defendants, a stray suggestion is given of those are fabricated documents. It is based on that, the plaintiff wanted to secure the original revenue record by summoning the revenue authorities that is since ended in dismissal, the present revision is maintained.

Section 77 of the Evidence Act clearly says in proof of the documents a certified copy may be produced of the contents of such public document or part of public documents to which they purport to be the copies and Section 76 says the public officer having the custody of a public document, for the person having a right to inspect, give on demand a certified copy by collecting legal fee and with official title and description as the authority competent to issue the certified copy. Section 74 defines what are the public documents. Once such is the case, the filing of the certified copy of the permanent revenue record and the adangals that it enough until it is rebutted from the onus shifts on the

other side by showing the documents are forged and fabricated if any.

Having regard to the above, at this stage there is no need of summoning the original revenue record of the Tahsildar to produce, but for if at all any future contingency including after evidence of defendants for any of the revenue record required, at liberty by virtue of this order to file such application either to summon as court witness as contemplated by Order XVI Rule 7 CPC or under Order XVIII Rule 17 r/w Section 151 CPC. Leave about none of the other observations in the impugned order will influence the mind of the Court nor prejudice right of the plaintiff/petitioner.

Accordingly and in the result, the Civil Revision Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.12.2017
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