

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION Nos.6560 AND 6604 OF 2017

COMMON ORDER:

Both the Civil Revision Petitions are preferred by the revision petitioner, who is defendant No.2 in O.S. No.55 of 2008, questioning the orders, dated 02.11.2017, passed by the learned Senior Civil Judge, Rajam, in I.A. Nos.530 of 2017 and 531 of 2017 in O.S. No.55 of 2008, refusing to reopen the suit, and to summon the Mandal Revenue Officer for causing production of demarcation report.

2. Heard Sri S.R. Sanku, learned counsel for the revision petitioner, and it is opined to dispose of the matter at the admission stage itself without issuing notices to respondents.

3. In the order under challenge in the latter revision, the learned trial Court has rightly observed that sub-rule 3 of Rule 129 of the Civil Rules of Practice is a stringent provision as it is mandatory that unless it is considered that production of original is necessary or satisfied that application for certified copy has been duly made and has not been granted and, thus, it pre-supposes that filing an application for getting a certified copy of a public document, which is not done and, therefore, the learned trial Court refused the request dismissing the application in I.A. No.531 of 2017, consequently, also dismissed the application in I.A. No.530 of 2017. The order also would reflect that at the fag end of the case, such requests are made.

Even, admittedly, the suit relates to the year 2008 and is now reserved for judgment.

4. Be that as it may, when the mandatory requirement is not satisfied, the bar contained by the provisions of sub-rule (3) of Rule 129 of the Civil Rules of Practice, certainly, precludes the Court from acceding to such a relief. Therefore, there is no mistake or error crept, in the order passed by the learned trial Court in both the applications. Thus, there is no merit in both the revisions.

5. Accordingly, both the Civil Revision Cases are dismissed maintaining the orders under challenge passed by the learned trial Court. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

December 15, 2017.

Mgr