HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.90 OF 2018

ORDER :

This petition is filed against the order dated 04.12.2017 passed in IA.No.2286 of 2017 in IP.No.34 of 2014, wherein and whereby the Court below dismissed the application of the petitioner filed under Order XVI, Rule 1 & 6 of CPC for issuance of summons to Tahasildar, Jangareddygudem, West Godavari District, directing him produce the revenue record such as Form IB particulars, Adangals for the falsies 1422 to 1426 pertaining to Ac.5.44 cents in RS.No.190 and Ac.2.00 cents in RS.No.187 and to give evidence regarding the nature of ownership and possession of said properties being held by respondents 2 and 3 in IP.No.34 of 2014.

Learned counsel for the petitioner submits that production of record by the MRO is regarding the properties mentioned in IA.No.2286 of 2017 owned by respondents 2 and 3 in the main IP and very much essential for adjudicating the main IP.No.34 of 2014, as they are having sufficient properties which disentitles for declaring them as insolvents. But, the court below without considering the said aspect by observing that petitioner has not filed any Adangal Pahanis or 1(B) register or 10(1) Account or any copy of possessory record along with counter dismissed the

petitioner, which is erroneous, as Adangals are marked as Exs.R1 and R2 on behalf of petitioner herein.

In this case it is to be seen that copies of Adangals are marked during the chief examination of the petitioner who is examined as RW1, which goes to show that the trial Court erroneously made such observation. The Trial Court also erroneously observed that main purpose for filing petition is not mentioned. But, in the affidavit filed in support of the application it is clearly stated that to prove that respondents 2 and 3 in main IP have sufficient properties, the present application is filed. As such, the observation made by the trial Court that how the documents sought to be produced are relevant for the purpose of proving petitioner's case, has no basis, since petitioner wants to prove that respondents 2 and 3 in the main IP are having properties. But, the fact remains that petitioner alleges that the respondents 2 and 3 in the main IP own some properties and has given survey numbers also. As such, the petitioner could have obtained certified copies of the said documents since they are public documents and filed the same. But, as rightly observed, the petitioner has not filed other documents except filing two adangals.

In view of the same, I do not see any reason to interfere with the order of the Court below. Subject to above observation, the CRP is disposed of.

As a sequel thereto, miscellaneous petitions, if any, pending in the CRP, shall stand closed.

A.RAJASHEKER REDDY, J

16.03.2018
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