

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.958 OF 2018

ORDER:

An order, dated 13.12.2017, in I.A.No.248 of 2017 in O.S.No.43 of 2011 on the file of learned Senior Civil Judge, Medak, made under Order XVIII Rule 17 read with Section 151 C.P.C., is under challenge in the present revision petition.

2. Sri V.Venugopala Rao, learned counsel for the revision petitioners, would submit that the order under challenge is bereft of reasons in rejecting the request. Learned counsel would also submit that the request made is to summon the Mandal Revenue Officer of Papannapet along with all concerned records from his office with respect to the suit land to adduce evidence, so as to secure the ends of justice. In the affidavit filed accompanying the said petition, certain reasons have been shown. The main ground taken by the revision petitioners is that the Patta Certificate bearing No.F/4126/95, dated 24.01.1995, is not a genuine document, as the said Certificate contains the date '24.01.1995' as its issue, whereas the date mentioned beneath the signature of the authority is '24.06.2006'.

3. Now, turning to the order passed by the Court below, it reads thus:

“Heard both the sides. I found no sufficient grounds to allow the petition. Hence the petition is dismissed.”

4. To say precisely, the order under challenge is very cryptic. The learned Senior Civil Judge has not probed into the allegations mentioned in the affidavit. Such an order cannot stand even for a moment. Therefore, the same is liable to be set aside.

5. Accordingly, the Civil Revision Petition is allowed. The order, dated 13.12.2017, passed in I.A.No.248 of 2017 in O.S.No.43 of 2011 on the file of learned Senior Civil Judge, Medak, is set aside and the matter is remitted to the learned Senior Civil Judge, Medak, to dispose of I.A.No.248 of 2017 by assigning reasons, after giving an opportunity once again to both sides to tender arguments

6. Absence of opposite parties i.e., respondent Nos.1 and 2 makes no difference, for the reason the matter is remitted to the learned Senior Civil Judge, Medak.

Miscellaneous Petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

February 16, 2018.

Note: Issue C.C. by 20.02.2018.
B/O.MD