

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.1340 of 2018

ORDER :

This Civil Revision Petition is filed assailing the order dt.21.11.2017 passed in I.A.No.626 of 2017 in O.S.No.28 of 2008 on the file of the Principal Junior Civil Judge, Piler.

2. The petitioner herein is defendant in the above suit.
3. The respondents filed the above suit for injunction against the petitioner, alleging that petitioner interfered with their possession and enjoyment of the plaint schedule property.
4. The respondents relied upon pattadar pass book issued in the name of respondents.
5. The petitioner contended in his written statement that pattadar pass book was obtained from Tahsildar by playing some tricks on him, and that the Tahsildar, Piler ought to be summoned as a Court Witness to produce sub-division proceedings pertaining to the said properties for mutation of respondents' name in the Revenue Records in respect of the subject lands, and to give evidence.
6. This application was opposed by respondents who contended that they are in possession and enjoyment of the properties as per their share, and the petitioner himself had admitted it. They contended that summoning the Tahsildar would in no way help in the matter and it would be a waste of time.

7. The Court below accepted the objection of respondents and dismissed the application. It held that the petitioner in his evidence, as DW.1, admitted the possession of respondents, and petitioner did not file any documents, and so even if the Tahsildar, Piler is summoned, it would not serve any purpose.

8. Assailing the same, the present Civil Revision Petition is filed.

9. Though the counsel for petitioner sought to contend that grave prejudice would be caused to petitioner if the said application is dismissed, I am unable to agree with the said submission, since the petitioner, having admitted the possession of respondents and not having filed any document in support of his pleading, cannot seek to adduce the evidence of the Tahsildar, Piler and such evidence would be irrelevant and unnecessary.

10. I, therefore, see no reason to interfere with the impugned order passed by the Court below.

11. Accordingly, the Civil Revision Petition fails and it is accordingly dismissed at the stage of admission. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06.04.2018

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