

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.1544 OF 2018

DATED :09.03.2018

Between :

Md. Riazuddin S/o.Late Sri Rafiuddin,
Aged 37 yrs, Occu : Govt. Employee,
R/o.H.No.1-7-701/1, Flat No.201,
Sai Nilayam, Subedari, Hanamkonda, Warangal.
.. Petitioner

And

Smt.Challa Nirmala W/o.Sri Thirupathi Reddy,
Aged 48 yrs, Occu : Household work,
R/o.Pegadapally Village, Hasanparthy Mandal,
Warangal District & another.
.. Respondents



This court made the following :

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ORDER :

Petitioner/plaintiff filed O.S.No.1173 of 2009 on the file of VII Additional Junior Civil Judge, Warangal, for injunction claiming that he is the owner of 266 Square yards of plot bearing No.262, Sy.No.25/A Kazipet Village, Hanamkonda, Warangal, and alleges that the defendants are interfering with the petitioner's property.

2. The respondents/defendants filed written statement and counter claim stating that they purchased the property from Tumma Rojamma through her GPA holder Tumma Papi Reddy son of Tumma Showreddy.

3. Petitioner filed I.A.No.918 of 2017 in the said suit to summon Tumma Papi Reddy as court witness and examine him to ascertain about the sale transaction and identification of boundaries of the property. The said claim of the petitioner/plaintiff was rejected holding that examination of witness is a choice of the party to prove their claims and it is for the party to examine or not to examine any witness on their behalf. The court also observed that petitioner failed to place strong reasons or grounds to summon the person as court witness.

4. It is not in dispute that the defendants claimed that Tumma Papi Reddy was their vendor which is disputed by the petitioner/plaintiff. If that is so, it is for the defendants to establish through cogent evidence that the property was validly purchased by them. Therefore, petitioner cannot seek vendor of the

defendants to be produced as witness when the defendants are not choosing to examine him. Therefore, I do not see any error in the decision arrived at by the court below, warranting interference by this Court.

5. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

9th March, 2018
Rds

P.NAVEEN RAO,J

