

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.1554 OF 2018

DATED:09-03-2018

Between:

Yellapu Venkata Rao
and others

... Petitioners

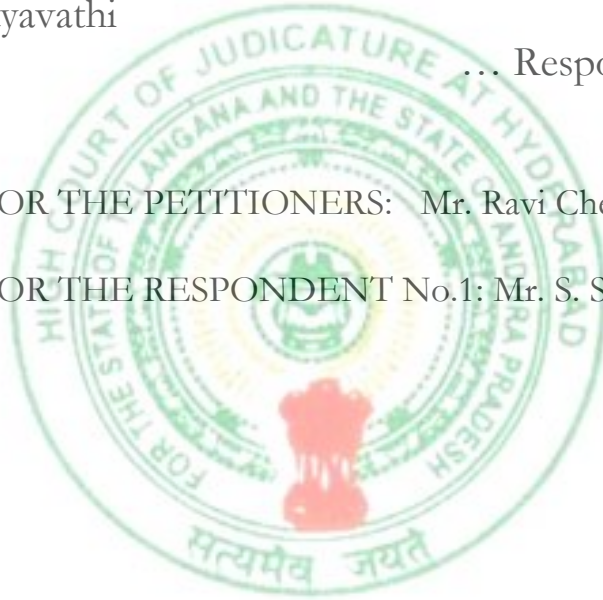
And

Davuluri Satyavathi
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. Ravi Cheemalapati

COUNSEL FOR THE RESPONDENT No.1: Mr. S. Subba Reddy



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.19.1.2018 in I.A. No.1597 of 2017 in O.S. No.428 of 2012 on the file of the VII Additional District Judge (Fast Track Court), Visakhapatnam.

The petitioners filed the aforementioned suit for declaration of title and recovery of possession. After commencement of trial and P.Ws.1 and 2 were examined, they have filed the aforementioned application under Order XVI Rule 1 read with Order XVI Rule 6 and Section 151 of the Code of Civil Procedure, 1908 (CPC), seeking summoning of certain revenue officials along with certain documents mentioned in the application. The lower Court on consideration of the rival pleadings, dismissed the application by placing reliance on the provisions of Section 76 of the Indian Evidence Act, 1872 read with Rule 129(2) of the A.P. Civil Rules of Practice and Circular Orders, 1990 (for short, "the Rules"). As rightly pointed out by the lower Court, unless a party seeking summoning of any document follows the aforementioned Rule, as per which the Court must be satisfied that an application for certified copy of the document sought to be summoned was duly made and the document was not

supplied, the same cannot be summoned. It is not the pleaded case of the petitioners that they have followed the procedure prescribed under Rule 129 of the Rules. Therefore, the Court below has rightly dismissed the I.A.

For the aforementioned reasons, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, I.A. No.1 of 2018 shall stand disposed of as infructuous.

09-03-2018

bnr

C.V. NAGARJUNA REDDY, J

