

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.1622 of 2018

ORDER:

Heard learned counsel for the revision petitioner/defendant and respondents/plaintiffs and perused the impugned order of the lower Court in I.A.No.127 of 2017, dated 29.11.2017, in the pending suit O.S.No.292 of 2013.

2. It is the application before the learned Principal Junior Civil Judge, Ongole, in the pending suit supra, under Section 151 and Section 94(E) C.P.C. to summon the custodian of the plan of Gummalampadu village, in the custody of Assistant Director, Survey and Land Records, Prakasam Bhavan, Ongole, to produce the plan into the Court.

3. In fact, Rule 129 of the Civil Rules of Practice very clearly say, more particularly from the clause (3), unless the original is necessary and certified copy already applied and refused, it cannot be as a matter of course to summon the public record original from the public office. Once such is the case, there is nothing to interfere with the impugned dismissal order of the lower Court, that too when the remedy to the petitioner is left open under Rule 129 of the Civil Rules of Practice.

4. With these observations, the civil revision petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

1st May 2018.
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