

HONOURABLE MISS. JUSTICE J. UMA DEVI

CIVIL REVISION PETITION No. 2563 of 2018

O R D E R :

Aggrieved by the order and decretal order dated 21/03/2018 passed in I.A.No.52 of 2018 in O.S.No. 01 of 2010 by the Junior Civil Judge, Narayankhed, Medak district, dismissing the application filed under Order-XVI, Rule 5 and 6 read with section 151 of CPC seeking to summon the Village Revenue Officer; namely, Patil Shyam Rao and other witnesses to give evidence regarding the panchanama conducted on 13/12/2010, the present Civil Revision Petition is filed by the defendants 1, 2, 4 to 14.

2. Heard the learned counsel for the Revision Petitioners and the learned counsel for the respondents.

3. The parties hereinafter will be referred to as they were arrayed in the above I.A.No. 52 of 20118.

4. The Revision Petitioner herein is the ninth defendant in O.S.No. 1 of 2010. While the suit filed against him and other respondents was at the stage of trial, an application to summon the Village Revenue Officer of Abbenda village was filed by the petitioners herein to speak about Ex.B-3, which was already marked. As the said application was dis-allowed by the trial court by coming to the opinion that there is no need to summon Village Revenue Officer to prove the contents of Ex.B-3 which has already been

marked through DW-1, the Revision Petitioner came before this Court representing the present Revision Petition.

5. The Revision Petitioners contention is that they being the legal heirs of one late Uppari Narsimulu have filed the present application to prove Ex.B-3. There is no dispute as to the fact that Ex.B-3 has been already marked. The Revision Petitioners having felt the need of proving the contents of Ex.B-3 through Village Revenue Officer of Abbenda village, who is the signatory of the said document, have filed an application to summon him.

6. The learned trial Judge, in my view is not correct in rejecting the request made by the Revision Petitioners to summon the Village Revenue Officer on the ground that Ex.B-3 panchanama has marked already through DW-1.

7. The Village Revenue Officer being the signatory of Ex.B-3, he is the proper person to speak about its contents. The court below ought to have permitted the Revision Petitioners to summon the Village Revenue Officer to speak about the contents of Ex.B-3, as he being the signatory of the said document instead of rejecting the application filed in this regard.

8. In view of the afore-mentioned view taken by this Court, the Civil Revision Petition filed by the Revision Petitioners hereby allowed.

6. In the result, the Civil Revision Petition is allowed. But there shall be no order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition stand disposed of.

JUSTICE J. UMA DEVI



03/08/2018
I s L

NB: Furnish CC tomorrow 22/12/2018

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