

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 2394 of 2018

ORDER:

1) Aggrieved by the order, dated 19.08.03.2018, passed in I.A.No.2392 of 2017 in A.T.C.No.18 of 2016 on the file of the Principal Junior Civil Judge, Kakinada, wherein an application filed to de-exhibit Exs.P1 and P2, was dismissed, the present Civil Revision Petition came to be filed.

2) The facts in issue are as under:

The 1st respondent herein filed the above A.T.C. against the petitioner and other respondents herein seeking to declare him as cultivating tenant of the petition schedule property and to grant a consequential injunction restraining the respondents therein from in any way interfering with his peaceful possession and enjoyment over the petition schedule property. During pendency of the A.T.C. the petitioner herein filed I.A.No.2392 of 2017 to de-exhibit Exs.P1 and P2, which were marked on behalf of the first respondent herein, on the ground that the documents itself contain a prohibition that those documents cannot be used as evidences in civil courts. After considering the material on record the trial Court dismissed the said application. Challenging the same the present revision came to be filed.

3) Learned counsel for the petitioner would submit that the contents of the documents itself show that the said documents cannot be used as evidence in a civil Court, as such the said documents cannot be marked as Exs.P1 and P2.

4) Learned counsel for the first respondent would submit that the first respondent herein has not claimed any right over the property and against the landlord, as such the same cannot be demarked.

5) As seen from the record, the first respondent herein filed A.T.C. to declare him as cultivating tenant of the schedule property and for consequential injunction restraining the respondents therein from interfering with his peaceful possession and enjoyment over the schedule property and he is not claiming any right or title against the landlord. It would be useful to extract the contents of the documents, which are as under:

"గమనిక: పంట ఋణాలు, సబ్సిడీ విత్తనాలు, భీమాను పొందడానికి, ప్రకృతి విపత్తుల వల్ల కానీ, లేదా విత్తనాల/ఇతర వ్యవసాయ పరికరాలలో లోపాల వల్ల కానీ పంటనష్టం/పంట దెబ్బ తిన్నందుకు నష్ట పరిహారం క్లెయిము కార్డుదారుణికి వీలు కలిపించే ఉద్దేశముతో ఆ కార్డును జారీచేయడమైంది. కానీ మరే ఇతర ప్రయోజనం కోసం కాదు. అట్టి భీమాపై ప్రయోజనాలను పొందడానికి కార్డుదారుడు మాత్రమే అర్హుడై ఉంటాడు. చట్టంక్రింద ఎవరైనా న్యాయ నిర్ణయ అధికారి ముందు భూస్వామికి వ్యతిరేకంగా భూమిపై హక్కును క్లెయిము చేసుకోవడానికి లేదా సమర్పించుకోవడానికి సాక్ష్యంగా ఈ కోర్టును ఉపయోగించకూడదు".

6) A reading of the contents of the document would show that while claiming any right against the landlord with regard to the landed property, the said document ie. eligibility card cannot be used as evidence before any Court. As seen from the record the first respondent has not claimed any right against the landlord or title over the property. He is only seeking to declare him as a cultivating tenant. Apart from that the petitioner failed to raise any objection at the time of marking the documents on behalf of the first respondent and consequently the said documents were marked as Exs.P1 and P2. It is settled principles of law that once a document is admitted in evidence, without objection, there cannot be any challenge as to its admissibility subsequently. As the documents in question are already admitted in evidence and marked as Exs.P1 and P2 on behalf of the 1st respondent herein without any objection and the said documents are filed only to prove that the 1st respondent herein is the cultivating tenant of the subject land, the trial Court has marked the said documents as Exs.P1 and P2. Hence, I do not find any infirmity in the order under revision.

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

8) As a sequel thereto, Miscellaneous Petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.09.2018
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