

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.3154 of 2018

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 04.04.2018 passed by the learned XIV Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, in I.A.No.253 of 2018 in O.S.No.70 of 2009. The suit, O.S.No.70 of 2009, was filed by the respondent herein seeking cancellation of the Agreement of Sale-cum-General Power of Attorney bearing Document No.3176 of 2008 dated 28.04.2008. The petitioner, being the defendant in the said suit, filed the subject I.A. under Order 16 Rule 4 CPC to summon one I.Srinivas Reddy, retired Sub-Registrar, for giving evidence. By the order under revision, the trial Court disallowed the said plea and dismissed the I.A. Aggrieved thereby, the defendant is before this Court.

Heard Mr.K.G.Krishna Murthy, learned senior counsel representing Ms.K.Kiranmayee, learned counsel for the petitioner-defendant, and Mr.P.Chenchu Ramaiah, learned counsel for the respondent-plaintiff.

Parties shall hereinafter be referred to as arrayed in the suit.

Perusal of the affidavit filed in support of the subject I.A. before the Court below reflects that the defendant wanted to examine the retired Sub-Registrar to elicit certain 'crucial' information as he worked at the relevant point of time. It may be noted that the document in question dates back to April, 2008 and the retired Sub-Registrar is sought to be examined in relation thereto more than ten years later.

Mr.K.G.Krishna Murthy, learned senior counsel, would state that the plaintiff in the suit is not admitting the fact that the document was registered and, therefore, this has to be elicited from the Sub-Registrar.

Perusal of the suit prayer itself demonstrates that the subject document is a registered one and bears Document No.3176 of 2008.

Mr.P.Chenchu Ramaiah, learned counsel, also concedes that the document in question is a registered one.

In that view of the matter, this Court sees no reason for summoning the retired Sub-Registrar for the said purpose. As no other details are forthcoming from the affidavit filed by the defendant for summoning the retired Sub-Registrar, this Court finds that the order under revision does not warrant interference.

The civil revision petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date:27.07.2018

PGS

SANJAY KUMAR,J

