

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION No.4639 of 2014

ORDER:

This civil revision petition is filed questioning the order, dated 07.10.2014, passed in I.A.No.445 of 2014 in O.S.No.7 of 2012, by the Principal Junior Civil Judge, Ramachandrapuram.

I.A.No.445 of 2014 is an application filed in the lower court under Order 16 Rule 1 CPC to issue summons to the Administrative Officer, Collector Office, East Godavari District, Kakinada for production of the settlement register relating to Survey No.56 of Pekeru village, K.Gangavaram Mandal and to give evidence thereon.

The court below dismissed the said application on the ground that certified copy could have been obtained for the said document.

Both the learned counsels are present. Sri S.Subba Reddy, learned counsel for the petitioners, argues that the application is not merely for production of a document, but also to give evidence about the same. Therefore, he questions the manner in which the impugned order is passed.

In reply thereto, Sri Chandra Sekhar Ilapakurti, learned counsel for the respondents, fairly concedes that as it is a public document, the revision petitioners should attempt to obtain its certified copy. He states that if the certified copy of the document is not issued, then the due process as set out in Rule 129 of the Civil Rules of Practice has to be followed.

In view of this concession, the civil revision petition is dismissed, granting liberty to the revision petitioners to make an application for

securing certified copy of the required document. If there is any difficulty in securing the certified copy of the said document or if the same is refused, the revision petitioners are at liberty to work out their remedies, available under law. In the circumstances, no costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

D.V.S.S.SOMAYAJULU,J

Date: 29.11.2018
Dsr

Note:
Furnish copy in three days
B/o
Dsr

