

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3603 of 2018

ORDER:

This Civil Revision Petition is filed, under Article 227 of the Constitution of India, assailing the order, dated 17.04.2018, passed in I.A.No.210 of 2018 in O.S.No.419 of 2009 on the file of Court of VII Additional Junior Civil Judge, Warangal.

2. Heard learned counsel for both parties.

3. A perusal of the record reveals that the petitioner filed O.S.No.419 of 2009 on the file of Court of VII Additional Junior Civil Judge, Warangal, against the respondents for specific performance of Agreement of Sale, dated 15.06.1984.

4. During pendency of the suit, the petitioner filed I.A.No.210 of 2018, under Order XVI Rule 1 read with 151 C.P.C., to summon the files of Palivelpula House Construction Gram Panchayath permissions for the year 1984-1985 issued by the then Sarpanch Tikka Nagamallaiah. The respondents filed counter *inter alia* contending that the petitioner filed the present petition to drag on the proceedings. The trial Court, after affording reasonable opportunity to both the parties, dismissed the petition on the ground of delay.

5. It is the case of the petitioner that late Tikka Nagamallaiah executed an Agreement of Sale in his favour in respect of the suit schedule property. It is the contention of the respondents that the said Nagamallaiah did not execute the agreement of sale in favour of the petitioner. There is a serious dispute about the agreement of sale, dated 15.06.1984.

6. It is not in dispute that late Tikka Nagamallaiah worked as Sarpanch of Palivelpula Gram Panchayat. The petitioner filed the present petition to summon the documents bearing the signatures of said Nagamallaiah for the year 1984-1985. If the documents are received, the same may throw some light on the controversy involved in the suit. The trial Court, without considering these aspects, simply dismissed the petition. If the petition is not allowed, it may not be possible for the petitioner to substantiate his case. Even if the petition is allowed, the same may also help the respondents to substantiate the stand taken by them in the written statement.

7. Having regard to the facts and circumstances of the case, this Court is of the considered view that it is a fit case to allow the revision petition.

8. In the result, the Civil Revision Petition is allowed setting aside the order, dated 17.04.2018, passed in I.A.No.210 of 2018. Consequently, I.A.No.210 of 2018 in O.S.No.419 of 2009 on the file of Court of VII Additional Junior Civil Judge, Warangal, is allowed summoning the documents in question. The trial Court is hereby directed to proceed with the trial without waiting for receiving of the documents.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

T.SUNIL CHOWDARY, J

DECEMBER 24, 2018

YVL

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY



CIVIL REVISION PETITION No.3603 of 2018

Date:24.12.2018

YVL