

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.6196 of 2016

ORDER

This revision under Article 227 of the Constitution of India is filed challenging the order dated 02.06.2016 passed in I.A.No.62 of 2016 in O.S.No.362 of 2014 on the file of the Senior Civil Judge, Nandigama.

2. The petitioners/defendants filed a petition under Order 26 Rules 1,2 and 10 read with Section 151 CPC, to issue summons to the Tahsildar, Jaggaiahpet Mandal, to cause production of the records and to give evidence. The trial Court dismissed the said petition mainly on the ground that those documents might not be available with the Tahsildar.

3. It is the case of the petitioners from the beginning that the property in dispute in the main suit is assigned land and the sale of it is prohibited under the Act 9 of 1997 and thereby the sale deeds are null and void. To substantiate their claim that it is assigned land, the petitioners sought for summoning the Tahsildar to cause production of various documents mentioned in the petition. But, dismissal of the petition on the ground that those documents might not be available with the Tahsildar is erroneous and sought to set aside the same.

4. During hearing, Sri V.V.L.N.Sarma, learned counsel for petitioners, has reiterated the contentions. Whereas Sri Raja Reddy Koneti, learned counsel for respondent, opposed the petition on the ground that the suit is of the year 2014 and there is absolutely

nothing to interfere with the order impugned and requested to dismiss the petition.

5. The petition is filed under Order 26 Rules 1 and 2 C.P.C., to summon the following documents from the Tahsildar, Jaggaiahpet Mandal:

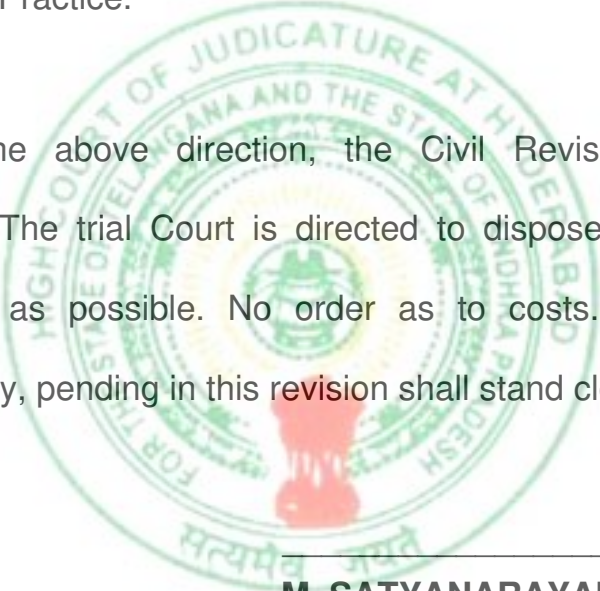
1. Register of D-Form Patta dated 23.11.1932 relating to plaint schedule property R.S.No.65 of Chillakallu Village.
2. File relating to G.O.Ms.No.208 dated 22.02.2007.
3. File relating to Rc.E3/161/2007 dated 30.04.2011 of Krishna Collector's Office.
4. File relating to Tahsildar, Jaggaiahpet Mandal Office Notice in Form No.1 dated 17.12.2011 of R.S.No.65 of Chillakallu Village.
5. File relating to Tahsildar, Jaggaiahpet Mandal Office Notice in Form No.II dated 17.12.2011 of R.S.No.65 of Chillakallu Village.
6. File relating to application of Madugula Babu Rao to the Tahsildar, Jaggaiahpet Mandal.
7. File relating to Rc.No.A/902/2011/38 dated 10.01.2012; and
8. IB Register relating to plaint schedule property R.S.No.65 of Chillakallu Village.

6. Specific procedure provided under Rule 129 of A.P.Civil Rules of Practice, which deals with summoning of documents for public office other than the Court. Before invoking jurisdiction of the trial Court under Order 16 Rules 1 and 2 CPC, if the petitioners sought to summon certain documents available with the public office, the Court shall not issue summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. The Court shall in every case record its reasons in writing and shall require the

applicant to deposit in Court, before the summons is issued, to abide by the order of the Court, such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced.

7. But, in the present case, the petitioners did not follow procedure provided under Rule 129 of A.P.Civil Rules of Practice. Therefore, while dismissing the revision, the petitioners are permitted to follow the procedure prescribed under Rule 129 of A.P. Civil Rules of Practice.

8. With the above direction, the Civil Revision Petition is disposed of. The trial Court is directed to dispose of the suit as expeditiously as possible. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.



M. SATYANARAYANA MURTHY, J

5th November, 2018

sj