

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 5460 OF 2018

ORDER :

This Revision is directed against the Order dated 17.07.2018 in I.A. No. 194 of 2018 in O.S. No. 332 of 2007 on the file of the Principal Junior Civil Judge's Court at Dhone, whereby and whereunder the request of the petitioner – defendant to issue summons to the then Mandal Surveyor to give evidence, particularly to confront Exs.B5 and B6, which were marked at his instance, was refused.

Heard learned counsel for the petitioner and perused the material on record.

The suit was filed by the respondents – plaintiffs for permanent injunction. From the material placed before this Court, it is evident that on earlier occasion, I.A. No. 710 of 2018 taken out by the petitioner for appointment of a Mandal Surveyor to undertake local inspection of the subject property was allowed by the Court below, but however, the said order was set aside by this Court on Revision i.e. Civil Revision Petition No. 2196 of 2010 filed by the respondents, *vide* order dated 27.01.2011. Hence, as rightly held by the learned Judge in the order under Revision, the question of confronting Exs.B5 and B6, which were, admittedly, filed by the Mandal Surveyor in the suit, in terms of the Order in I.A.No. 710 of 2018 does not arise and the said documents ought to have been eschewed from the record as they do not have any evidentiary value. Since there is no illegality or irrationality in the Order dated 17.07.2018, the Revision lacks merit and the same is liable to be dismissed.

The Civil Revision Petition is accordingly, dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

02nd November 2018

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