

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CRP.Nos.5503 and 5507 of 2018

Date:28.09.2018

Between.

Nageswara Rao,

S/o Ganga Rao

.....Petitioner

And.

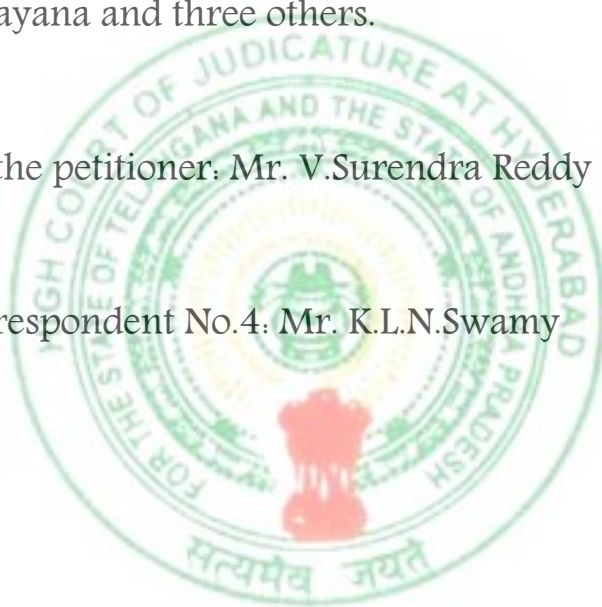
Pemmasani Ramakrishna Babu,

S/o Satyanarayana and three others.

.....Respondents

Counsel for the petitioner: Mr. V.Surendra Reddy

Counsel for respondent No.4: Mr. K.L.N.Swamy



The Court made the following:

COMMON ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

These two Civil Revision Petitions arise out of common order, dated 16.8.2018, in I.A.Nos.977 and 978 of 2018, in O.S.No.1629 of 2009, respectively, on the file of the VI Additional Senior Civil Judge, Visakhapatnam.

The petitioner is the defendant in the afore-mentioned suit. After closure of evidence on the plaintiffs' side, he has filed I.A.No.977 of 2018 to issue summons to the Tahsildar, Bheemunipatnam, to appear as a Court witness and cause production of certain documents. He has also filed I.A.No.978 of 2018 to reopen the suit for adducing further evidence. Both these applications were dismissed by the lower Court. Feeling aggrieved by the said dismissal, the unsuccessful defendant filed these two Civil Revision Petitions.

The ground on which the petitioner has sought for summoning of the Tahsildar, Bheemudipatnam, is that the respondents have filed certain additional documents, purportedly obtained, under the Right to Information Act, 2005, from the Tahsildar, Bheemudipatnam, and got them marked during the evidence of P.W-1. He has further pleaded that though he applied for copies of the said documents, the Tahsildar, Bheemudipatnam, has not furnished the same to him

and that therefore, he has every suspicion that the respondents might have produced fabricated documents.

On the petitioner's own showing, the documents in question were marked through P.W-1. P.W-1 was subjected to extensive cross-examination by the learned counsel for the petitioner. No where in the cross-examination, it was even remotely suggested to P.W-1 that the documents were fabricated or not genuine. In the absence of such a suggestion, the petitioner cannot be permitted to take such a plea and seek summoning of the Tahsildar, Bheemudipatnam, to elicit about the genuineness or otherwise of the documents.

From the facts discussed above, I am of the opinion that there are no *bona fides* in filing the afore-mentioned applications by the petitioner. Hence, the Court below has rightly dismissed the same albeit for different reasons.

In the result, both the Civil Revision Petitions are dismissed.

As a sequel to dismissal of the Civil Revision Petitions, I.A.No.1 of 2018 filed for interim relief are dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

28th September, 2018
DR