

THE HON' BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.6386 of 2018

ORDER:

The civil revision petition is filed against the order dated 07.09.2018 in I.A.No.452 of 2018 in O.S.No.772 of 2011 on the file of Additional Senior Civil Judge, Tirupati, whereunder and whereby the application filed by the petitioner under Order XVI Rule 1 and 7 r/w Section 151 of Code of Civil Procedure praying to issue summons to the Tahsildar, Chandragiri Mandal, Chittoor District, along with record of his office relating to the documents as described in the petition and to give evidence on behalf of the petitioner, was dismissed.

Heard the learned counsel for the petitioner, and the learned counsel for the respondent.

Learned counsel for the petitioner submits that as the respondents objected for marking the said documents, the petitioner filed this petition seeking to issue summons to the Tahsildar.

On the other hand, learned counsel for the respondent submits that when already certified copies of the documents proposed to be marked were filed, the question of summoning the Tahsildar does not arise, and the trial Court rightly observed in para 11 of the impugned order as follows:

"11. It is the specific case of the petitioner that filed certified copies of 10(1) account and No.3 adangal dated 23-11-2011 for the 1st item of the plaint schedule property covered in Survey No.52, an extent of Ac.0.97. But if the Tahsildar, Chandragiri mandal is summoned, he will also depose basing on the documents. What is the use of summoning the Tahsildar is not explained by the petitioner in the present petition filed before this Court."

The petitioner has not explained cogent reasons as to what is the use of summoning the Tahsildar when he had already filed certified copies of the documents and, therefore, the trial Court has rightly dismissed the petition and the same does not warrant interference.

In view of the same, the civil revision petition is dismissed; however, leaving it open to the petitioner to mark the said documents at the time of trial. No costs. Pending miscellaneous petitions, if any, shall also stand dismissed.

A. RAJASHEKER REDDY, J

20th November, 2018

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