

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No. 7295 of 2017

ORDER:

This is a defendants' revision, under Article 227 of the Constitution of India, assailing the orders, dated 09.11.2017, of the learned Principal Junior Civil Judge at Bhongir, passed in I.A.No.708 of 2014 in O.S.No.285 of 2008.

2. I have heard the submissions of the learned counsel for the petitioners/defendants. Though the respondents/plaintiffs entered appearance, there is no representation for them. I have perused material record.

3. The facts, which are required to be stated for the disposal of this revision, in brief, are as follows:

In a suit for perpetual injunction, the defendants, having taken the defence that the plaintiffs altered the Survey Number in Ex.A.3-registered sale deed from 279 to 379, filed the subject application before the trial Court under Order XVI Rule 6 read with Section 151 of the Code of Civil Procedure, 1908, requesting to summon the Sub-Registrar, Bhongir, for being examined as a witness before the trial Court to prove that the plaintiffs altered the survey number in Ex.A.3-registered sale deed and substantiate their defence. The said application was resisted by the plaintiffs. On merits and by the orders impugned in this revision, the trial Court dismissed the petition. The trial Court noted in its orders that since the suit is one for perpetual injunction, a detailed enquiry into the title and genuineness of Ex.A.3 is not necessary and that the request for summoning the Sub-Registrar, Bhongir,

which is made at a belated stage need not be considered. Aggrieved thereof, the defendants are before this Court.

4. Learned counsel for the defendants, while reiterating the case of the defendants, which is already stated supra, would contend that summoning of the Sub Registrar, Bhongir, is essential to prove the defence of the defendants, and that the trial Court was in error in dismissing the petition.

5. I have given earnest consideration to the facts and submissions.

6. In the considered view of this Court, to substantiate the defence of the defendants, there is no need to accord permission to summon the Sub-Registrar, Bhongir, for giving evidence and they can as well obtain the registration extract of the sale deed-Ex.A.3 and produce the same before the Court and the said course would also help the defendants in establishing the truthful nature of their defence or otherwise. In that view of the matter, this Court finds that the order impugned does not brook interference.

7. The Civil Revision Petition is accordingly dismissed reserving liberty to the defendants to obtain a registered extract of Ex.A.3-registered sale deed from the office of the Sub Registrar, Bhongir, and produce the same before the trial Court, if they are so advised.

No order as to costs. Pending miscellaneous petitions, if any, also shall stand dismissed.

M. SEETHARAMA MURTI, J

Date: 23.02.2018
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