

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2413 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioners aggrieved by the order dated 30.08.2019 passed in I.A.No.737 of 2019 in O.S.No.17 of 2014 by the I Additional District Judge, Nizamabad, whereby, the I.A.No.737 of 2019 filed by the petitioners/plaintiffs to summon the Tahsildar, Bheemgal, Nizamabad District and examine him as a witness on the their behalf, was dismissed.

2. Heard learned counsel for the revision petitioners and perused the record.

3. Learned counsel for the revision petitioners would submit that the evidence of Tahsildar, who is 5th defendant in the said suit, is necessary. The Court below ought to have allowed the application filed under Order XVI Rule 1 of CPC and directed the Tahsildar to give evidence in the said suit. The Court below erroneously dismissed the application and ultimately prayed to set aside the impugned order and allow the application as prayed for.

4. The material placed on record reveals that the 5th defendant-Tahsildar is said to have issued certain documents such as pattadar passbooks, title deeds, pahanies, etc. If there is any dispute with regard to the genuineness of those documents, the revision petitioners are entitled to file application to obtain the copies of the said documents from the Tahsildar's office concerned and substantiate their case. Furthermore, it is for the petitioners to lead cogent evidence to

substantiate their contention. Merely because the Tahsildar issued certified copies of the pattadar passbooks and other documents, it is not necessary to summon the Tahsildar. The Court below had elaborately dealt with the contentions raised by the revision petitioners and answered the same. The Court below did not commit any illegality in passing the impugned order. The petition is devoid of merit and is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed at the admission stage. No order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 22.10.2019
ssp

Dr. SHAMEEM AKTHER, J

