

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2441 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/defendants, challenging the order, dated 16.08.2019, passed in I.A.No.2717 of 2019 in O.S.No.368 of 2016, by the I Additional Junior Civil Judge-cum-XVIII Additional Metropolitan Magistrate, Cyberabad at Malkajgiri, Ranga Reddy District, whereby, the application filed by the revision petitioners/defendants under Order XVI Rule 17 of CPC to issue summons to the Divisional Engineer (Operations), Sainikpuri, Moula Ali, to produce the ownership documents, which were submitted along with 'A' form while applying for electricity Service Connection (SC) Nos.230605507 and 230602959, was dismissed.

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

3. The learned counsel for the revision petitioners/defendants would submit that summoning of the Divisional Engineer (Operations), Sainikpuri, Moula Ali, is necessary for proper adjudication of the dispute between the parties to the litigation. The Court below ought to have allowed the subject interlocutory application filed for summoning the said official and documents, and ultimately

prayed to set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. The material placed on record reveals that the respondents/plaintiffs filed a suit for perpetual injunction against the revision petitioners/defendants. The revision petitioners/defendants are also claiming possession over the suit schedule property. It is for both the parties to adduce evidence, in tune with the contentions raised by them. Moreover, no original ownership documents would be filed with the electricity department when electricity supply connection is sought. Without sufficient material that the original/certified copies of ownership documents are with the electricity department, it is not proper to summon the officers concerned to produce the same. Further, when an application is filed under the Right to Information Act by the revision petitioners/defendants for ownership documents, the respondents/plaintiffs did not give consent to furnish the copies of the ownership documents. Merely because consent was not given by the respondents/plaintiffs, the revision petitioners/defendants cannot invoke the jurisdiction of the Court below to summon the officials of the electricity department to produce the ownership documents. Further, no relevancy of those documents has been established for adjudication of the subject matter of the suit. Under these circumstances, the Court below is justified in dismissing the subject interlocutory application.

There is nothing to take a different view. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed.
There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

23rd October, 2019
Bvv

Dr. SHAMEEM AKTHER, J

