

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL REVISION PETITION No.325 OF 2020

ORDER:

This civil revision petition is filed, under Article 227 of the Constitution of India, by the petitioner, aggrieved by the order, dated 27.12.2019, passed in I.A.No.2099 of 2019 in O.S.No.99 of 2015, by the learned Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, at Gajwel.

2. Heard Sri G.Ravichandran, learned counsel appearing for the petitioner. Perused the material record.

3. The petitioner/plaintiff filed the I.A.No.2099 of 2019 in O.S.No.99 of 2015, under Order XVI Rules 6 & 7 read with Section 151 of CPC, on the file of the learned Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, at Gajwel, seeking to summon the Tahsildar/MRO, Gajwel Village and Mandal, along with the revenue records pertaining to the land in Survey No.422 of Gajwel Village, wherein the learned Principal Junior Civil Judge dismissed the above said application. Aggrieved by the same, the present civil revision petition is filed by the petitioner/plaintiff.

4. The case of the petitioner/plaintiff is that he is the legal heir of one Late Sri Shahshah Miyan alias Syed Aziz in respect of the immovable property and in the revenue records from 1955-56 till 2000-01, their names have been entered, in respect of the lands in Survey No.422 of Gajwel Village, in the revenue

records like Pahani Patrikas, etc., and after 2001, it is to their surprise as to how the name of Late Sri Shahshah Miyan has been removed and some other name has been incorporated. To prove their title, the petitioner has preferred O.S.No.99 of 2015 to declare him as the owner of the suit schedule property as he being the legal heir of Late Sri Shahshah Miyan, the owner, possessor and pattedar of Survey No.422, situated at Gajwel Village and to direct the 9th defendant, who is said to be in possession of the suit schedule property as per Document No.6967 of 2012 to return the possession to the petitioner/plaintiff.

5. There is a specific pleading in para 3 of the plaint that the name of Late Sri Shahshah Miyan disappeared from the revenue records and some other name was being recorded in Pahani Patrikas of Gajwel Village. However, in the affidavit filed in support of I.A.No.2099 of 2019, the specific contention with regard to deletion of the name of Late Sri Shahshah Miyan from the revenue records and incorporating a new name has not been categorically stated in para 7 of the affidavit and it is apparent from the record that the drafting to that effect is incomplete. More over, there is no specific pleading or a prayer in I.A.No.2099 of 2019 as to what are the relevant records that needs to be examined by summoning the Tahsildar, Gajwel.

6. In view of the same, the impugned order passed by the Trial Court is well considered and needs no interference with

regard to the contentions made in the affidavit filed in support of the I.A.No.2099 of 2019 in O.S.No.99 of 2015, but for an artistic drafting of the counsel, a genuine litigation cannot be put to jeopardy and in order to meet the ends of justice, this Court grants liberty to the petitioner to file another application, if advised, before the trial Court giving cogent reasons with regard to the revenue records, which needs to be examined by the Tahsildar, Gajwel, and on such application, the trial Court shall consider the same and pass appropriate orders, as expeditiously as possible.

7. With the above observations, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 14th February, 2020

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