

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CIVIL REVISION PETITION NO.1882 OF 2019

ORDER :

This Civil Revision Petition is directed under Article 227 of the Constitution of India, seeking to set aside the Docket Order dated 25.06.2019 passed in I.A.No.209 of 2019 in O.S.No.124 of 2010 by learned Junior Civil Judge, Nakrekal.

2. Heard learned counsel for the petitioner. None appeared for the respondents. Perused the record.

3. The petitioner herein/plaintiff has instituted the suit in O.S.No.124 of 2010 on the file of the Junior Civil Judge, Nakrekal, for perpetual injunction. The petitioner filed an application under Order XVIII, Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'C.P.C.') before the Court below seeking to recall PW.1 for the purpose of marking the digital pattadar passbook-cum-title deed, and the subject application was dismissed. Being

aggrieved by the said Order, this Civil Revision Petition is preferred.

4. Learned counsel for the petitioner has submitted that the Civil Revision Petition viz., C.R.P.No.1884 of 2019 was preferred against the Order passed in I.A.No.215 of 2019 was allowed on 07.03.2022 and this Civil Revision Petition is filed against the Order in I.A.No.209 of 2019 to recall the evidence of PW.1 for the purpose of marking the document. The Court below committed an error in dismissing the subject application. Therefore, pray for setting aside the impugned order, no prejudice would be caused to the respondents, otherwise, he would suffer irreparable loss.

5. As could be seen from the material available on record, it indicates that the Court below did not mention any specific and valid reasons while dismissing the subject application. In the affidavit filed in support of the subject application, the petitioner has

stated that he could not file the digital pattadar passbook-cum-title deed as he belatedly obtained the same and he intend to file the same on his behalf to prove his title and possession over the schedule property.

6. I.A.No.215 of 2019 in the main suit was filed by the petitioner herein seeking to receive the document i.e., digital pattadar passbook-cum-title deed and the same was dismissed. Basing on which, the subject application in this petition was also dismissed. Since CRP No.1884 of 2019 preferred against the dismissal Order passed in I.A.No.215 of 2019 was allowed on 07.03.2022, the impugned Order in this petition is not sustainable under law.

7. Under the circumstances narrated hereinbefore, this Civil Revision Petition is allowed, setting aside the Docket Order dated 25.06.2019 passed in I.A.No.209 of 2019 in O.S.No.124 of 2010 by learned Junior Civil

Judge, Nakrekal. As a consequence thereof, I.A.No.209 of 2019 in O.S.No.124 of 2010 is allowed.

Pending miscellaneous applications, if any, shall stand closed. However, there shall be no order as to costs.

JUSTICE A.SANTHOSH REDDY

DATED 14.02.2023

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