

**Regular Civil Suit No.44/2009**  
**Subhash & others Vs. Nishad &**  
**others**

**ORDER BELOW EXH.No.146**  
(Passed on 24<sup>th</sup> of January, 2018)

The defendant No. 1 to 4 moved this application to issue summons to the revenue authority to produce the revenue documents in respect of the mutation and Ferphar regarding the suit land.

2. According to the defendants, Hirkanbai who happened to be their mother, was Class-I legal heir of Yamunabai and Nago Dongre and she was having half share in the all suit properties. Therefore, her name was mutated in the revenue record. Though the defendant No.1 to 4 requested the revenue authorities to furnish the details about the mutation of deceased Hirkanbai. The defendants sought their mutation entries. But the said authorities did not supply them the sought documents. Hence, they have filed this application.

3. The plaintiffs resisted the claim of the defendants on the ground that this application is not tenable because the revenue authorities are not party to this matter and the defendants have filed this application just to prolong the matter because they could obtain the said documents in accordance with law.

4. This application is pending since last three months. Neither the defendants nor the Learned advocate for the defendants turned up when the matter was called for hearing. Hence, this application needs to be decided on the merit. In fact, by way of this application, the defendants are taking aid of this Court to issue the summons to the revenue authorities for getting the mutation entries and the Ferphar. It is needless

to say here that all the revenue documents which are sought by the defendants, can be obtained from the revenue authorities because they are the public documents.

5. Apart from this, as per the settled provision of Right to Information Act, the defendants can get the said documents. Even though, the revenue authorities had refused to furnish the sought documents, the defendants ought to have taken legal action against them before their superior authorities. But it seems that inspite of taking all these available modes to obtain the documents, the defendants rushed to this Court. Had it been the question regarding the validity or the proof of the said documents, the summons would have been issued to the said authorities to prove the said documents. But the defendants have sought the production only. It would not be out of place to mention here that when the certified copies of the public documents are admissible and such certified copies can be obtained by adopting the due procedure, then the Court is not supposed to call the documents. In short, such time killing practice cannot be allowed when the another easy legal modes are available for getting the said official documents. Hence, I do not find substance in this application. Accordingly, it is rejected.

Ramtek  
Date: 24.01.2018

(Sujitkumar C.Taide)  
Civil Judge, Jr.Dn., Ramtek.

**CERTIFICATE**

I affirm that the contents of this P.D.F. File Order are same word to word as per original Order.

Name of Stenographer

:- G. S. Dongardive