

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

CIVIL REVISION PETITION NO: 506 OF 2025

Between:

1. Harijana Venkateswarlu, S/o H. Yerra Ayyanna, Aged about 49 years residing at Chinna Tekur(v), Kumool (M), Kumool District.
2. Harij ana Srinivasulu,, S/o H. Yerra Ayyanna, residing at Chinna Tekur(v), Kumool (M), Kumool District. Aged about 46 years
3. Harijana Venkata Ramudu,, S/o H. Yerra Ayyanna, Aged about 42 years, residing at Chinna Tekur(v), Kumool (M), Kumool District.
4. Harij ana Thirumalaiah, , S/o H. Yerra Ayyanna, Aged about 40 years. residing at Chinna Tekur(v), Kumool (M), Kumool District.

...Petitioner / Petitioner / defendants No.1 to 4

AND

1. S Jaganatha Gupta, S/o Sharabaiah Setty, Aged 54 years, R/o. Amrutha Apartment, Sankal Bagh, Kumool

...Respondent / Respondent / Plaintiff

2. H. Yerra Ayyanna, (died) S/o.Sunkanna,

...Respondents / Petitioner / Defendant No.5

Petition under Article 227 of the Constitution of India, against the Order in I.A.No.863 of 2024 in O.S.No.45 of 2016 dated 30.01.2025,

passed by the Learned Principal Senior Civil Judge, Kurnool, allow I.A.No.863 of 2024 in O.S.No.45 of 2016 on the file of Hon'ble Principal Civil (Senior Division) Judge, Kurnool.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in O.S.No.45 of 2016 on the file of Principal (Senior Division) Civil Judge, Kurnool.

Counsel for the Petitioner :SRI. ANUMULA KARTHIK REDDY

Counsel for the Respondents No.1: SRI. VARUN BYREDDY

The Court made the following:



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Monday, the Fifth day of May, Two Thousand and Twenty Five

Present

The Honourable Ms. Justice B.S.Bhanumathi

Civil Revision Petition No: 506 of 2025

Between:

Harijana Venkateswarlu and others

...Petitioners

and

S. Jaganatha Gupta and others

...Respondents

Counsel for the petitioners:

1. Anumula Karthik Reddy

Counsel for the respondents:

1. Varun Byreddy

The Court made the following:

ORDER:

This revision petition was filed under Article 227 of the Constitution of India against the order dated 30.01.2025 dismissing I.A.No.863 of 2024 in O.S.No.45 of 2016 on the file of the Court of Principal Senior Civil Judge, Kurnool filed by the defendants under Order XVI, Rule 1(3) and Section 151 C.P.C. to summon the following persons:

Name	Purpose
The Tahsildar, Kallur Mandal, Kallur.	To produce adangals for the years 2004 to till today for Sy.No.55/1 of Chinna Tekur Village and its form 1-B register and to give evidence
The Sub-Registrar, Kallur.	To bring record relating to the valuation of Sy.Nos.55/1 and 55/2 of Chinna Tekur Village and to give evidence in this regard.

2. The respondent / plaintiff filed the suit for declaration of title over the plaint schedule property of 0.54 cents in Survey No.55/2 of Chinna Tekur Village, Kallur Mandal, Kurnool District, claiming that the petitioners / defendants executed a registered sale deed dated 01.12.2004 in favour of the respondent / plaintiff. The defendants contended that the sale deed was obtained fraudulently and that they had not delivered possession of the plaint schedule property to the respondent and also that the revenue records relating to the property still stand in their name. The petitioners filed suit in O.S.No.397 of 2016 on the file of the Court of Principal Senior Civil Judge, Kurnool, against the respondent for cancellation of the very same sale deed. The respondent filed two adangals claiming that the revenue records show his possession, though these documents are not found in the office of the Tahsildar. Therefore, the petitioners further contended that it is required to prove the entries in the revenue records relating to the plaint

schedule property in respect of enjoyment of the property. Further, the petitioners stated that the value of the plaint schedule property as on 01.12.2004, was Rs.7,03,000/- whereas the registered sale deed for 0.54 cents was registered with a value of Rs.50,000/- by manipulation and therefore, it is necessary to summon the Sub-Registrar, to give evidence and produce relevant record. With such contention, the petitioners filed the above said petition.

3. The respondent / plaintiff resisted the petition by filing counter, denying the contents of the petition and further stated that the petition was filed only to drag on the case and delay justice and that the registered sale deed was voluntarily executed by the petitioners and the suit in O.S.No.397 of 2016 was filed with *mala fide* intention.

4. After hearing both parties, the trial Court dismissed the petition observing that two adangals were filed in O.S.No.397 of 2016 but not in O.S.No.45 of 2016 and that the petitioners herein are the plaintiffs in O.S.No.397 of 2016 and filed I.A.No.774 of 2024 for the very same relief and it was dismissed on 27.12.2024 and consequently, the same relief cannot be sought again. It was further observed that there is no valuation certificate filed by the petitioners to show that as on 01.12.2004 i.e., the date of execution of the registered sale deed, the valuation of the plaint schedule property was Rs.7,03,000/- without taking steps by the petitioners to file such document, the relief to summon the Sub-Registrar cannot be granted.

4. Aggrieved by the order this revision petition was filed.

5. Insofar as the petition to summon the Tahsildar is concerned, the learned counsel for the petitioners contended that unless the original record is summoned, the correctness of the adangal produced before the Court in evidence could not be decided as they were manipulated. Though the transaction in dispute relates to the year 2004, the name of

the vendors continued to remain in the revenue records, but suddenly the entry was changed in the copy of the adangal filed by the respondent without indicating as to how the entry in the adangal was changed, but the entry for the subsequent year shows again the name of the vendors and therefore, it is necessary to summon the witness and mere filing of the certified copies would not help to prove the truth. He further submitted that in fact, the respondent reported no counter, however the trial Court dismissed the petition, instead of summoning the witness to get the best evidence.

6. The learned counsel for the 1st respondent opposed the petition submitting that the petitioners have to prove their own case and cannot rely on the weakness of the case of the other side and therefore, there is no need to summon the witness.

7. Since the genuineness of the record relating to adangals can be examined by the trial Court only with reference to the original record relating to the record filed before the Court, it is necessary to summon the concerned official. Moreover, in addition thereto, the petitioners sought the same record relating to other faslis and also Form 1-B register and to give evidence. As it is heavy record spreading from the year 2004 to till date as per the relief sought for production of adangal registers, while allowing the relief for production of the record, it can be limited to the period from 2004 to the date of filing of the suit i.e., the year 2016.

8. The relief with regard to production of form 1-B register relevant to the suit schedule property shall also be produced and the witness i.e., the Tahsildar, Kallur Mandal, Kallur shall also give evidence.

9. After giving evidence, if any register is marked in evidence, the petitioners shall apply for certified copy of such documents marked and

substitute the same for the original and the trial Court shall forthwith return the original registers to the Tahsildar.

10. Insofar as the record sought to be produced by the Sub-Registrar, Kallur and giving evidence is concerned, the purpose is to establish that the document was registered for value for less than the then existing market value as per the Registrar's office. Since, it is to be clarified by the Sub-Registrar concerned as to how the said document was registered for value less than the then market value of the property, it is necessary to summon the witness with the relevant record. As such, this petition also needs to be allowed.

11. In the result, the civil revision petition is allowed by setting aside the impugned order dated 30.01.2025 in I.A.No.863 of 2024 in O.S.No.45 of 2016 on the file of the Court of Principal Senior Civil Judge, Kurnool. There shall be no order as to costs.

Interim orders granted earlier, if any, shall stand vacated.

Pending miscellaneous petitions, if any, shall stand closed.

Sd/- G HELA NAIDU
ASSISTANT REGISTRAR
NB
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal (Senior Division) Civil Judge, Kurnool.(with records)
2. One CC to Sri. Anumula Karthik Reddy, Advocate [OPUC]
3. One CC to Sri. Varun Byreddy, Advocate [OPUC]
4. The Section Officer, V R Section, High Court of Andhra Pradesh at Amaravathi.
5. Three CD Copies

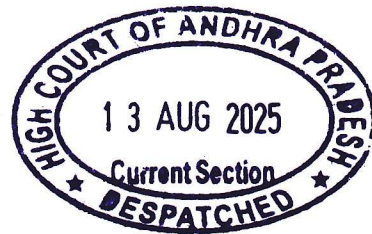
PR

HIGH COURT

DATED:05/05/2025

ORDER

CRP.No.506 of 2025



ALLOWING THE CRP