

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: 507 OF 2025



Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to urged at the time of hearing, the Court may be pleased to allow the Revision Petition, set aside the Order in I.A.No.774 of 2024 in O.S.No.397 of 2016 dated 27.12.2024, passed by the Learned Principal Senior Civil Judge, Kumool, allow I.A.No.774 of 2024 in O.S.No.397 of 2016 on the file of Principal Senior Civil Judge, Kurnool.

Between:

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

...PETITIONER/ PLAINTIFF NOS.1 TO 4

AND

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

...RESPONDENT/DEFENDANT

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 may be pleased to grant stay of all further proceedings in O.S.No.397 of 2016 on the file of Principal Senior Civil Judge, Kurnool.

Counsel for the Petitioner(s):SRI. ANUMULA KARTHIK REDDY

Counsel for the Respondent: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: 507 of 2025

Between:

Harijana Venkateswarlu and others

...Petitioners

and

S. Jaganatha Gupta

...Respondent

Counsel for the petitioners:

1. Anumula Karthik Reddy

Counsel for the respondent:

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 27.12.2024, dismissing I.A.No.774 of 2024 in O.S.No.397 of 2016 on the file of the Court of Principal Senior Civil Judge, Kurnool, filed 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 petitioners filed the suit against the respondent for declaration of the title of the plaintiffs over the plaint schedule properties i.e., 59 cents of land in Survey No.55/2 and 0.4139 cents of land in Survey No.55/1 of Chinna Tekur Village, Kallur Mandal, Kurnool District after cancelling the sale deed bearing No.13005/2004 dated 01.12.2004 and send a copy of the decree to the Sub-Registrar, Kurnool with a direction to make entry of the cancelled document in the concerned register.

3. The petitioners filed the above said petition claiming that the respondent filed Ex.B1 form 1-B & B2 adangal for the fasli year 1430 for Survey No.55/1 during the course of cross-examination of the 1st petitioner / 1st plaintiff and after verifying the revenue records, he had come to know that there was no Khata No.1064 in the name of the respondent and there was no entry of the name of the respondent in the

adangal for the fasli year 1430 in the office of the Tahsildar and so they were secured by the respondent through manipulation, the petitioners further stated that the adangals for previous and subsequent fasli years of the same land shows the name of the 1st petitioner even after the alleged transaction of sale in the year 2004. Therefore, the petitioners stated that it is necessary to summon the Tahsildar. They further contended that the value of the property as on 01.12.2004 i.e., date of registered sale deed sought to be cancelled was Rs.7,03,000/-, but the registered sale deed shows value of the property of 0.54 cents at Rs.50,000/- by manipulation and therefore, it is necessary to summon the Sub-Registrar.

4. The respondent reported no counter. However, the petition was dismissed by the trial Court observing that P.W.1 / 4th plaintiff in his cross-examination admitted about Ex.B1 and B2 and therefore, they cannot be disputed and further that there is no evidence to show that there is no Khata No.1064 in the name of the respondent and also to show that there is no entry in the name of the respondent in the adangal for the fasli year 1430 in the office of the Tahsildar. The trial Court further held that if at all the contention of the petitioners is true, they should file some revenue records to disprove Ex.B1 and B2, but mere statement that there is no Khata No.1064 or no entry on the name of the respondent would not help their case. It is also observed that there is no evidence to show that the name of the 1st petitioner was reflected in the revenue record even after the sale transaction and no valuation certificate was filed by the petitioners to show the higher value of the property as mentioned on the sale deed.

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

6. 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.

7. 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.

8. 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.

9. 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. 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 27.12.2024 in I.A.No.774 of 2024 in O.S.No.397 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/- M SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge, Kurnool, Kunrool District.
2. One CC to SRI. ANUMULA KARTHIK REDDY Advocate [OPUC]
3. One CC to SRI. VARUN BYREDDY Advocate [OPUC]
4. Three CD Copies

Pmg

nm

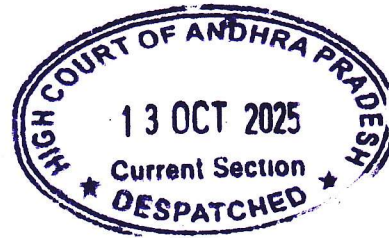


HIGH COURT

DATED:05/05/2025

ORDER

CRP.No.507 of 2025



ALLOWING THE CRP