



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3460]

**MONDAY ,THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION NO: 1033/2023

Between:

Konduru Venkata Narayana Raju,

...PETITIONER

AND

Kandikattu Sumanth

...RESPONDENT

Counsel for the Petitioner:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent:

1. G V V S VARA PRASAD

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**CIVIL REVISION PETITION No. 1033 of 2023****ORDER:**

1. The present Civil Revision Petition is filed questioning the Order dated 13.03.2023 in I.A.No.41 of 2023 in O.S.No.168 of 2016 passed by the VI Additional District Judge, Nellore, SPSR Nellore District.

2. The Petitioner is the Defendant. A suit was filed for declaration of title and for consequential possession. After the evidence of the defendant, an application was filed by the Petitioner under Order 16 Rule 7 of the Code of Civil Procedure seeking to summon the Sub Registrar, Nellore, along with a direction to produce the Encumbrance Certificate of the suit schedule property. In the Affidavit filed in support of the above application, it was pleaded that one Muppalla Subba Raju executed Ex.A.4 in favour of Ayyapparaju Krishnaveni for a valuable consideration of Rs.14,20,000/-, which was named Settlement Deed, for D.No.322-F (New number 1258).

3. The said Krishna Veni sold the property through registered Settlement Deed dated 30.05.2013 in favour of the Plaintiff and one Chandra Sekhar which was marked on Ex.A.6. The original owner of Muppalla Subbaraju executed a rectification to the Settlement Deed- Ex.A.4 referred above in favour of Ayyapparaju Krishnaveni on 31.07.2015 and the same was marked as Ex.A.5. On the basis of Ex.A.5-Rectification Deed, the said Krishna Veni executed Exs. A.6 and A.7 in favour of the Plaintiff and Chavala Chandrasekhar for a valuable consideration of Rs.14,20,000/-. Under the Rectification

Deed, Door number was altered as 1260 instead of 1258. Further rectifications were executed by the said Krishna Veni and the same were also marked as Exs. A.7 and A.8.

4. As the Sub Registrar executed Rectification Deed without verifying the previous documents, the Sub Registrar sought to be summoned along with the Encumbrance Certificate of the Suit Schedule Property. This application was opposed by the respondent/plaintiff on the ground that a Public Officer cannot be summoned for production of public documents and relied upon a decision of this Court in **Vooda Venkat Rao and others v Vooda Surya Ramu @ Surya Rao and others**¹.

5. The trial Court after hearing the respective counsel rejected the application relying on the judgment cited by the learned counsel for the Respondent/Plaintiff. Hence, the present Civil Revision Petition.

6. Heard Sri Sivaprasad Reddy Venati, learned counsel for the Petitioner and Sri G.V.V.S. Vara Prasad, learned counsel for the Respondent.

7. In the affidavit filed in support of the above application, the Petitioner could not point out any specific reason as to why the Sub Registrar was sought to be summoned, other than the production of Encumbrance Certificate. Though, the counsel for the Petitioner pointed out that the requirement of summoning the Sub Registrar is only to elicit the procedure to be followed for rectifying the registered

¹2016 (6) ALD 59

documents. This Court is not inclined accept the same as there is no such plea in the affidavit filed by the Petitioner.

8. As regard the production of Encumbrance Certificate, there is no requirement of summoning the Sub Registrar as the same can be produced by the Petitioner after procuring the same from the office of the Registrar. Therefore, this Court is not inclined to interfere with the order passed by the trial Court as this Court does not find any error in the impugned Order.

9. Accordingly, the Civil Revision Petition is dismissed leaving it open to the Petitioner to file Encumbrance Certificate. No order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 25.11.2024

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION No. 1033 of 2023

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