

WP(C) No.11173 of 2008

30.10.2015 Challenging, inter alia, the order dated 10.7.2008 passed by the learned Civil Judge (Senior Division), Sonapur in Civil Suit No.25 of 2004, the present petition is filed under Article 227 of the Constitution of India. By the said order, the learned trial court rejected the application of the defendant to issue summons to the Sub-Registrar, Sonapur to cause production of valuation register of village-Kukudajholi and to adduce evidence.

Opposite party as plaintiff instituted a suit for specific performance of contract against the defendant-petitioner in the court of learned Civil Judge (Senior Division), Sonapur, which is registered as Civil Suit No.25 of 2004. Pursuant to issuance of summons, defendant entered appearance and filed written statement denying the assertions made in the plaint. It is stated that he had mortgaged the property with the plaintiff. It is specifically pleaded that there could not have been any agreement to sell the property at a throwaway price. While the matter stood thus, defendant filed an application to issue summons to the Sub-Registrar, Sonapur to cause production of valuation register of village-Kukudajholi and to adduce evidence. It is stated that defendant had taken the stand at the relevant point of time that the valuation of the suit property was Rs.70,000/- to Rs.80,000/-. Thus to establish the same, the valuation register of the Sub-Registrar office is necessary. The plaintiff filed an objection to the same. By the impugned order, the learned trial court rejected the application.

Heard learned counsel for the parties.

Opposite party has filed the suit for specific performance of contract as per the agreement dated 17.1.2001. The assertion of the defendant is that the deed is a fraudulent one. The valuation register of the Sub-Registrar office is not a material for the decision of the case. It is open to the plaintiff to adduce evidence to prove the valuation. Thus no case is made out for interference. Accordingly, the petition is dismissed. Learned trial court is directed to conclude the hearing of the suit by end of March, 2016.

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Dr.A.K.Rath,J