

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
CIVIL REVISION PETITION No.789 of 2015

ORDER:

Heard the learned counsel for petitioners and the learned counsel for respondent.

2. The petitioners herein are defendants in O.S.No.946 of 2006 pending on the file of the Court of VIII Additional Senior Civil Judge (Fast Track Court), City Civil Court at Hyderabad (for short, trial Court). The respondent herein filed the above suit seeking declaration of her title to the suit schedule properties, recovery of possession of ground floor and for other consequential reliefs. After closure of the evidence of both the parties, the petitioners filed I.A.No.29 of 2014 for summoning the Commissioner, Central Excise Department, Fateh Maidan, Hyderabad to produce the record pertaining to the appointment of the respondent in place of her husband, especially declaration form and other proceedings to give evidence in the matter. The trial Court dismissed the said application, by its order dated 12.11.2014. Challenging the same, the present Civil Revision Petition is filed.

3. Apart from filing the said application at the fag end of trial, the reason mentioned in the affidavit filed in support of the petition is that the respondent, in her cross-examination, denied the xerox copy of the declaration form shown to her on the ground that it was not legible. The respondent filed a counter-affidavit stating that she filed the suit on the basis of the registered sale deed dated 06.01.1999 on the ground that the schedule of properties are her self-acquired properties. As already stated above, the evidence of the parties was completed.

4. The learned counsel for the respondent produced before me a copy of the deposition of the respondent as P.W.1, wherein the question relating to the declaration was put to the witness and was answered. The trial Court, by relying on a decision of this Court in **K.Bhaskar Rao v. K.A.Ramarao**^[1], dismissed the application by its order dated

12.11.2014.

5. It is for the respondent/plaintiff to prove her case and more particularly when she is claiming that the suit schedule properties as her self-acquired properties based on a registered sale deed dated 06.01.1999. The declaration was filed on 18.08.2003 for the purpose of appointment on compassionate grounds. Since the evidence was completed, the trial Court, taking into consideration the circumstances of the case and the settled law on the point, dismissed the application by a reasoned order. I am in agreement with the reasons expressed by the trial Court and there are no grounds to entertain the present Civil Revision Petition.

6. The Civil Revision Petition is, accordingly, dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 19.11.2015

TJMR

[\[1\]](#) 2010 (5) ALD 339