

HON'BLE SRI JUSTICE R. KANTHA RAO

Civil Revision Petition No.4545 of 2015

ORDER:

Heard Sri K.Rathanga Pani Reddy, learned counsel appearing for the revision petitioner-6th defendant and Sri N.V.Ramanujam, learned counsel appearing for the 1st respondent-plaintiff.

2. In OS No.144 of 2007 on the file of the Court of the Senior Civil Judge, Amalapuram, an application was filed by the 6th defendant, who is the revision petitioner herein, with a prayer to receive the documents, namely (1) Will Khararunama deed dated 23.12.1975, (2) Tax receipt dated 06.10.2006 and (3) Tax demand notice dated 22.06.2007, on his behalf. The said application was filed after DWs.1 to 3 were examined and when the suit came up for the evidence of the 6th defendant, who is the purchaser of the 'A' schedule property from the 4th defendant-Pilli Sujana Kumari, through registered sale deed dated 29.02.2008, after filing of the suit.

3. After hearing both sides, the trial court observed that the 6th defendant did not mention in the written statement about the existence of the Will dated 23.12.1975 and if really, there was any such Will, he ought to have mentioned the existence of the said document in the written statement. It is also observed by the trial court that in the sale deed, it is mentioned that the vendor has got absolute rights and has exclusive possession over the scheduled property and it is the self acquired property of the vendor. There is no whisper about the Will in the sale deed dated 28.02.2008. It is further observed by the trial Court that DW.1 Pilli Sujana Kumari, who is the vendor of Ex.A.4, admitted in her evidence that no document was executed by Radha Krishna in her favour. Thus, considering that the sale deed is subsequent to filing of the suit and there is no mention about the same in the written

4. The civil revision petition is, therefore, dismissed. No order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

Date: 20.11.2015
BSS

Civil Revision Petition No.4545 of 2015

ti

Date: 20.11.2015

BSS