

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.462 of 2015

Date: 14-12-2015

Between:

Mekala Satyavathi

.... Petitioner

AND

Puvvula Srinivasa Rao and 14 others

.... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.462 of 2015

ORDER:

The petitioner herein is the 14th respondent in I.A.No.1553 of 2005 in I.A.No.425 of 2002 in O.S.No.182 of 1980 on the file of Principal Senior Civil Judge, Narasaraopet. The said suit was originally filed for partition and a preliminary decree was passed on 24-09-1984. The said preliminary was confirmed by this Court in A.S.No.2364 of 1995 by the order dated 04-11-2001. I.A.No.425 of 2002 in O.S.No.182 of 1980 was filed for passing final decree and during pendency of the same, one Puvvula Sarojini died on 29-07-2005. She was the 12th defendant in the suit and she got 5/8th share in the suit schedule property by virtue of the preliminary decree. She executed a registered Gift Deed dated 19-01-2002 alienating her 5/8th share in favour of the 1st respondent herein. The 1st respondent filed I.A.No.1553 of 2005 in the pending final decree application for coming on record as the 3rd petitioner and

the said application was allowed by order dated 03-11-2014. Challenging the same, the present Civil Revision Petition is filed.

Learned counsel for the petitioner submits that the 1st respondent herein cannot be brought on record in the place of the 3rd respondent herein/2nd petitioner in the final decree petition, as the Gift deed is a created document.

In order to prove the said document before the Court below, PWs.1 and 2 were examined and Exs.A.1-Gift deed was marked on behalf of the petitioner and RWs.1 and 2 were examined and Exs.B.1 and B.2 were marked on behalf of the 14th respondent. The trial Court considering the evidence on record and held that as the deceased Puvvula Sarojini executed a Gift deed in favour of the petitioner in I.A.No.1553 of 2005 in respect of her undivided 5/8th share in the schedule property, the petitioner was held to be legal representative of the deceased Puvvula Sarojini/2nd petitioner in the final decree proceedings. The said finding of fact was recorded on the basis of the evidence adduced before the Executing Court and no basis is shown before this Court for coming to a different conclusion than that was arrived at by the learned Principal Senior Civil Judge, Narasaraopet.

In view of the same, the Civil Revision Petition is dismissed confirming the order dated 03-11-2014 in I.A.No.1553 of 2005 in I.A.No.425 of 2002 in O.S.No.182 of 1980 passed by the Principal Senior Civil Judge, Narasaraopet. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 14-12-2015

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