

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4484 of 2014

Date:05.02.2015

Between:

Mohd. Asif Ali Khan,
S/o Late Nawab Hoshdar Khan
and two others.

..... Petitioners

And:

Daljeet Singh,
S/o S.Satpal Singh and 15 others.

.....Respondents

Counsel for the petitioners: Sri B.Vijayasen Reddy

Counsel for the Respondents: ---

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 07.10.2014, in IA.No.462 of 2012 in OS.No.199 of 2012 on the file of the learned Additional District Judge, Vikarabad, Ranga Reddy District.

Respondent Nos.1 to 4 have filed the above-mentioned suit for cancellation of registered sale deed, dated 29.05.2006. The petitioners are defendant Nos.1 to 4 and 13 to 15. The petitioners besides resisting the suit have also challenged the validity of the sale deed allegedly executed in favour of the plaintiffs and they have also filed counter-claim for perpetual injunction. It is in this background that nine issues were framed. The petitioners have filed I.A.No.462 of 2012 under XVI Rule-5(1) read

with Section 151 of the Code of Civil Procedure for framing additional issues. The lower Court by order under revision has dismissed the said application by observing that issue Nos.1 and 2 would cover the proposed additional issues. Feeling aggrieved by this order, the unsuccessful petitioners filed this Civil Revision Petition.

A perusal of the order of the lower Court would reveal that while rendering a finding that issue Nos.1 and 2 would cover the proposed additional issues, the lower Court has failed to make a specific reference to the said issues and their contents. Be that as it may, I have considered the contents of issue Nos.1 and 2 and also the proposed additional issues.

Issue Nos.1 and 2 read as under:

- “1. Whether the sale deeds obtained by the plaintiffs are true, valid and supported by consideration?
2. Whether the sale deeds convey title to the plaintiffs?”

The proposed additional issues read as under:

- “1. Whether the identity of the executants in each of the four (4) registered sale deeds, dated 09.04.1997, 09.04.1997, 09.04.1997 and 17.01.1998 is established by the plaintiffs as genuine?
2. If the aforesaid issue is answered in the affirmative, whether the animus transfarendi of the executants in each of the four (4) registered sale deeds, dated 09.04.1997, 09.04.1997, 09.04.1997 and 17.01.1998 is established by the plaintiffs is genuine?
3. Whether the executants of each of the four (4) registered sale deeds, dated 09.04.1997, 09.04.1997, 09.04.1997 and 17.01.1998 were authorised and entitled to sell the entire suit schedule land to the predecessor-in-title of the plaintiffs herein?
4. Whether each of the subsequent registered

sale deeds, dated 22.01.1999, 25.01.1999, 18.02.1999 and 17.02.1999 are proved by the plaintiffs as genuine?

5. Whether the four (4) registered sale deeds, dated 29.05.2006, 25.08.2006, 25.08.2006 and 25.08.2006 executed by the other defendants in favour of the 13th, 14th and 15th defendants and their predecessors in title are null and void?"

In my opinion, issue No.1 is wide enough to comprehend all the minute aspects sought to be raised by the petitioners by way of the proposed additional issues as, the main controversy centres around the legality, validity or enforceability of the sale deeds set up by the plaintiffs, besides conveyance of title through the said sale deed. When the petitioners have raised relevant pleadings with respect to aspects such as identity of the executants and the alleged non-enforceability of the four registered sale deeds set up by the plaintiffs, the same need not be reflected by way of additional issues. Based on these pleadings, it is, however, permissible for the petitioners to adduce evidence under the wide umbrella of issue Nos.1 and 2.

In this view of the matter, I do not find any necessity for framing additional issues.

For the above-mentioned reasons, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPP.No.6129 of 2014 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*05th February, 2015
DR*