

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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CIVIL REVISION PETITION No. 4846 OF 2015

ORDER:

This revision has been preferred by the four plaintiffs in the suit, aggrieved by the order of the XI Additional District Judge, Ranga Reddy District at L.B. Nagar, who has disallowed the following question put on behalf of the plaintiffs to D.W.2.

The question which has been put to D.W.2 reads as under:

“Whether the recitals in Ex.B10 shows (it should be ‘show’) that the land sold to D5 society excludes site covered by road?”

The very question which has been put to this witness is a kind of an absurd question. No document of transfer of title over land can possibly cover lands occupied by roads. Initially, the owner of the land may own the entire extent of land, but when once he develops the same and lays it out into plots, he has to necessarily provide for certain basic infrastructure such as roads, water lines, drainage lines, electricity lines, telephone supply lines, etcetera. They form part of the layout. Not to be exclusively owned by anyone as they are meant for community use. Depending upon the nature of the rule, requiring approval of such layouts, all such roads and public spaces vest in the local body. Therefore, the question has been observed by the Court below rightly as an absurd question which has been put to the witness and hence,

I see no justifiable reason to interfere with the order of disallowance of such a question to be put to this witness.

Hence, this civil revision petition is dismissed with costs of Rs.1,000/- (Rupees one thousand only) to be deposited to the credit of the suit within four weeks from today and the Court below will regulate these costs depending upon the result in the suit.

Consequently, miscellaneous applications pending if any, shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

13.11.2015

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