

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4114 of 2014

Date:23.01.2015

Between:

Meher Khatoon,
D/o Khaja Kutubuddin Khan

..... Petitioner

And:

Syed Mahmood Hussain,
S/o Late Syed Ali Murtuza Hussain

...Respondent

Counsel for the Petitioner: Sri B.Chandrasen Reddy

Counsel for the Respondent: Sri Suresh Shiv Sagar

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 15.09.2014, in IA.No.2450 of 2014 in O.S.No.596 of 2012 on the file of learned Special Sessions Judge for Scs/STs (POA) Act, 1989-cum-Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.

I have heard Sri B.Chandrasen Reddy, the learned counsel for the petitioner and Sri Suresh Shiv Sagar,

the learned counsel for the respondent.

The petitioner filed the above-mentioned suit for declaration of his title in respect of Acs.6.00 of land in Survey No.263 of Janawada Village, Shankarpally Mandal, Ranga Reddy District by holding that the respondent has no title or interest over the same. The petitioner has also sought for consequential injunction restraining the respondent and persons claiming through him from interfering with his possession and enjoyment of the suit land. The petitioner has filed I.A.No.2450 of 2014 to permit P.W-2 to mark a document, dated 06.12.2014, as Ex.A-9. This application was strongly opposed by the respondent. The lower Court by its order, dated 15.09.2014, dismissed the said application.

At the hearing, Sri B.Chandrasen Reddy, the learned counsel for the petitioner, has not disputed that the document in question, which purports to create substantive rights in his client, is compulsorily registerable. Therefore, the finding rendered by the lower Court that the document is liable for registration does not call for interference. However, learned counsel submitted that his client can get the document impounded and use the same for collateral purpose, viz., for the purpose of showing his possession over the suit land in support of his claim for injunction.

Sri Suresh Shiv Sagar, learned counsel for the respondent, submitted that the petitioner cannot be permitted to mark the document for collateral purpose in support of the prayer for declaration of title. I am in agreement with this submission of the learned counsel for the respondent.

With regard to the prayer for declaration of title, the question of a document being relied upon for

collateral purpose would not arise. However, with regard to the prayer for injunction, a party can seek to rely upon a document for collateral purpose. Indeed, the lower Court itself has made an observation that if the petitioner wanted to mark the said document even for collateral purpose, he has to get the same impounded.

In this view of the matter, while I do not find any reason to interfere with the order of the lower Court, the petitioner is, however, permitted to file a separate application for impounding the above-mentioned document within one week from the date of receipt of a copy of this order. As the petitioner failed to file such application earlier, he is saddled with costs of Rs.5,000/- payable to the respondent within one week from today. The lower Court shall expeditiously dispose of the application that may be filed by the petitioner and ensure that the suit is disposed of within four months from the date of receipt of a copy of this order.

Subject to the above directions, the Civil Revision Petition is disposed of.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No.5631 of 2014 filed by the petitioner for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*23rd January, 2015
DR*