

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION NO.3434 OF 2015

ORDER:

This Civil Revision Petition is filed against the order, dated 09-07-2015 in I.A.No.214 of 2014 in O.S.No.73 of 2010 on the file of the Senior Civil Judge, Avanigadda.

2. Petitioner herein is the 2nd defendant, whereas the 1st respondent herein is the plaintiff and respondents 2 and 3 are the defendants 1 and 3 before the trial Court.

3. Petitioner herein (2nd defendant) filed the above interlocutory application under Order VII Rule 11 CPC to reject the plaint filed by the 1st respondent herein in O.S.No.73 of 2010.

4. O.S.No.73 of 2010 was filed by the 1st respondent herein for declaration of title and consequential permanent injunction in an extent of 253 square yards and building therein bearing Door No.5-7/1 presently (previously 5-10) situated in Batlapenumarru of Movva Mandal, Krishna District.

5. The petitioner herein-2nd defendant filed written statement specifically stating that the schedule property was assigned to her husband in the year 2000 by the Tahsildar and the Project Director of A.P. State Housing Corporation Ltd., sanctioned loan for construction of the building after depositing the title deeds of the schedule property. In the light of the said stand, the petitioner herein filed the above interlocutory application for rejection of the plaint.

6. The trial Court after considering the material on record, vide impugned order, dated 09-07-2015 dismissed the application. Hence, this revision.

7. Learned counsel appearing for the petitioner submits that there cannot be any civil proceedings in respect of the assigned lands. Counter was filed by the 1st respondent-plaintiff stating that she filed an application to implead the Tahsildar of Movva and Project Director of A.P. State Housing Corporation and also filed another application under

Order VIII Rule 7 CPC to receive the documents and those applications are pending. After considering the rival pleadings, the trial Court vide impugned order dismissed the application on the ground that the petitioner herein filed written statement contending that the schedule property is an assigned property. It also observed that whether it is assigned property or private property acquired by the defendants 1 and 3 under registered sale deed, dated 27-04-2009 is a question to be decided during the course of trial and the Court cannot reject the plaint basing on the averments made in the written statement of the defendant.

8. I have carefully perused the plaint filed in the suit. It is the case of the plaintiff that the defendants 1 and 3 purchased the property under a registered sale deed, dated 22-02-1984 from Pandi Satyanarayana for a valuable consideration of Rs.2,500/- and the defendants 1 and 3 jointly executed agreement-cum-General Power of Attorney on 08-04-2008 in the name of Kolusu Mukarji Rao. The said Mukarji Rao and the defendants 1 and 3 disposed of the said property in favour of the plaintiff. In view of the above pleadings in the plaint, the order passed by the trial Court needs no interference, as it is a proper and correct order.

9. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this revision shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 23-12-2015

Hsd