

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE TENTH DAY OF APRIL TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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CIVIL REVISION PETITION No.2071 of 2014

Between:

B. Jayaramudu, S/o. Subbarayudu,
Aged about 61 years, R/o. D.No.13/678-120C,
Sreenivasa Nagar, Anantapur,
Anantapur District.

.. Petitioner

AND

M. Narasimhulu, S/o. Peddanna,
Aged about 61 years, R/o. D.No.13-620,
Ramachandra Nagar, Anantapur & 3 others

.. Respondents

The Court made the following:

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The petitioner is Defendant No.2 in O.S.No.210 of 2004, on the file of the Additional Senior Civil Judge, Anantapur District. The plaintiff filed the suit for

declaration of title of the suit schedule property. The stand of the plaintiff is that the mother of the plaintiff was granted D form patta on 09.01.1984. The contrary stand of Defendant No.2/petitioner herein is that the petitioner purchased the said property by way of registered Sale Deed, dated 16.08.2014.

2. To substantiate the claim of the plaintiff, the plaintiff obtained Adangal/Pahani copy and 1-B Namuna (ROR) on 30.06.2013 and filed I.A.No.582 of 2013 to receive the said documents and mark them as exhibits. The said I.A. was allowed. The petitioner herein applied under the Right to Information Act, 2005, to ascertain the status of such assignment and in response to the said application, the Tahsildar furnished information on 29.06.2013 informing the petitioner that the revenue records did not disclose grant of any such assignment. Having regard to the same, the petitioner herein filed I.A.No.92 of 2014. The said I.A. was dismissed on the ground that the reasons for delay in filing such I.A. and bringing the document on record are not stated.

3. A perusal of the order in I.A.No.92 of 2014 would show that the learned trial Court has not considered the issue in right perspective.

4. Learned counsel for the respondents does not dispute the fact that the I.A.No.582 of 2013 filed for marking two documents, which were obtained by the plaintiff on 30.06.2013, was allowed.

5. Having regard to the fact that there is a rival claim with reference to the status of the suit schedule property and particularly when the plaintiff brought on record two documents obtained only on 30.06.2013, in the interests of justice, the trial Court ought to have allowed I.A.No.92 of 2014 filed by the petitioner and permitted the petitioner herein to mark the documents as exhibits.

6. Having regard to the same, the Additional Senior Civil Judge, Anantapur, is

directed to receive and mark the documents in evidence on behalf of the petitioner/Defendant No.2.

7. The Civil Revision Petition is, accordingly, allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO, J

Date: 10th April, 2015

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