

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition No.3992 of 2016

ORDER:

Heard learned counsel for the petitioners, Sri Srinivas Karra, and learned counsel for the respondents, Sri M.N. Narasimha Reddy; and with their consent this Civil Revision Petition is disposed of at the admission stage.

2) This Civil Revision Petition is filed by the petitioners/defendants aggrieved by the order dated 24.06.2016 in I.A.No.155 of 2016 in O.S.No.272 of 2012 on the file of Senior Civil Judge, Proddaatur, Kadapa District, whereunder the trial Court allowed the petition filed by the petitioners therein under Order 22 Rule 3 of C.P.C. permitting them to come on record as legal representatives of the deceased sole plaintiff, i.e., the 2nd plaintiff as the son of deceased 1st plaintiff, and 3rd plaintiff as the grandson-cum-donee of Registered Gift Deed, dated 1.7.2013 said to have been executed by the deceased plaintiff. The petitioners/defendants opposed the L.R. petition *inter alia* challenging the validity of the Gift. The said petition was allowed on 24.06.2016 and hence the instant Civil Revision Petition.

3) When the matter came up for hearing, learned counsel for revision petitioners would submit that though his main contention against allowing the L.R. petition is on the ground that the said petition was filed without accompanying Delay Condonation petition and Abatement set aside petition, but he is not pressing the said objection, and now his main

submission is that he may be given an opportunity to question the validity of Gift Deed, dated 1.7.2013 by filing additional written statement. His further submission is that since the suit is an old one, the trial Court may be given a direction to dispose of the suit early.

4) Learned counsel for the respondents/plaintiffs reported no objection for this course.

5) In view of the above respective submissions, this Civil Revision Petition is disposed of with the following observation.

The order in I.A.No.155 of 2016 in O.S.No.272 of 2012 is confirmed and the petitioners/defendants are at liberty to file a petition before the trial Court seeking permission to file additional written statement challenging the validity of the Gift Deed, dated 1.7.2013, in which case, the trial Court shall dispose of the said petition on merits and also dispose of the suit on merits within a period of six months from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous applications, if any, pending in this Revision shall stand closed.

U.DURGA PRASAD RAO, J

Date: 30.11.2016.

GBS