

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4781 OF 2011

ORDER:

The Civil Revision Petition is filed under Section 151 of C.P.C by the petitioner/ Judgment Debtor/ defendant, impugning the order dated 18.09.2011 passed in E.P. No.22 of 2008 in O.S. No.80 of 2004 on the file of Senior Civil Judge, Nuzvid, Krishna District.

2) Heard learned counsel for revision petitioner. Though notice served on respondent failed to attend, hence taken as heard.

3) The Judgment Debtor did not produce the best evidence in his possession as contemplated by Section 106 of the Evidence Act viz., original patta or atleast permanent revenue record to say that he got only one acre and not two acres of mango garden in oath against oath of Decree Holder/ PW.1. Even regarding the income, the revenue record or the adangal is the best evidence of the annual crop to assess the income and the same is also not before the Court from the Judgment Debtor to say not getting Rs.20,000/- per annum as claimed by the Decree Holder to rebut the evidence of the decree Holder. Even taken the land is an assigned land under Ex.R-1 that placed reliance by respondent, what is the prohibition under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 is that his private alienation to be void but for to landless poor persons, that too, to restore the possession back and there is no prohibition to assess the means from the cultivation and getting of income. As the assignment

made itself is for cultivation and enjoyment to count the income therefrom as part of means is not a bar.

4) Having regard to the above, there are no grounds to interfere but for to grant time till end of July, 2016 to pay the decretal amount with costs by directing the Decree Holder meantime not to take further steps.

5) Accordingly, the Civil Revision Petition is disposed of. No order as to costs.

6) As a sequel, miscellaneous petitions if any pending in this Civil Revision Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.07.04.2016

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Date:07.04.2016

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