

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.4446 of 2013

ORDER:

This Civil Revision Petition, under Article 115 of the Code of Civil Procedure, 1908 ('the Code', for brevity), by the petitioner/plaintiff is directed against the orders dated 27.08.2013 of the learned II Senior Civil Judge, City Civil Court, Hyderabad passed in an unnumbered R.D. of 2013 in O.S.No.82 of 1999 filed under Order XIII Rule 7(1) of the Code for return of exhibit B2-registered sale deed dated 10.08.1990 to the petitioner represented by her GPA holder.

2. I have heard the submissions of the learned counsel for the petitioner and also the learned counsel for the respondent. I have perused the material record.

3. At the hearing, the learned counsel for the respondent had fairly submitted that the respondent had already filed a memo into the Registry of the Court *inter alia* stating that on the advise of the elders and well-wishers, she has consented and conceded for return of exhibit B2-sale deed dated 10.08.1990 to the petitioner and for such a course, she has no objection and hence, the Civil Revision Petition may be allowed.

4. The learned counsel for the revision petitioner, while drawing the attention of this Court to the judgment in the suit, whereby the suit for recovery of possession was dismissed and also to the judgment of this Court in CCCA No.104 of 2005, whereby the judgment in the suit was confirmed, had emphasised the peculiar facts under which the revision petitioner is entitled to take return of exhibit B2 sale deed.

5. Having regard to the facts peculiar to the case and the consent memo which is filed by the respondent, this Court is satisfied that the impugned order can be set aside and this revision can be allowed ordering return of exhibit B2 sale deed dated 10.08.1990 to the petitioner represented by her

GPA holder.

6. Accordingly, this Civil Revision Petition is allowed and the impugned order is set aside. The Court below is directed to return exhibit B2-registered sale deed dated 10.08.1990 to the petitioner represented by her power of attorney holder, as per the procedure and under proper acknowledgement in accordance with law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

24th February, 2016
Bvv

M.Seetharama Murti, J