

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.709 of 2015

ORDER:

The petitioner herein is claiming to be a legal representative of the original deceased plaintiff. The original plaintiff filed O.S.No.507 of 2008 on the file of the learned X Additional Senior Civil Judge (Fast Track Court), City Civil Court, Hyderabad, seeking partition of the suit schedule property and allotment of 1/4th share to her. It appears that after the conclusion of the trial, a will was executed in favour of the petitioner and the plaintiff died. On the basis of a Will, the petitioner filed I.A. No.81 of 2013 to come on record as plaintiff No.2 in the suit in the place of deceased original plaintiff. That application was dismissed by order dated 06.02.2015, challenging which the present Civil Revision Petition was filed.

Learned counsel for the petitioner submits that the petitioner seeks to come on record on the basis of the registered Will and in view of the same, there is no need for other legal representatives to come on record.

On the other hand, learned counsel for the respondent submits that the mother of original plaintiff executed a Will in favour of defendant No.1, and defendant No.1 is claiming the entire property as his own. It is also the case of defendant No.1 that the original plaintiff is not entitled for any share in the property. He also submits that the evidence was also recorded to that effect on the basis of the issues framed in the suit.

We are not concerned with the facts of the case at this stage, as the present application is filed only to come on record in the place of original plaintiff, who died pending disposal of the

suit. The present application is only to continue the proceedings. Whatever rights the original plaintiff got will be succeeded by the present petitioner as the present petitioner is claiming under a registered Will.

In the circumstances, the impugned order dated 06.02.2015 is not proper and is accordingly set aside, and I.A. No.81/2013 is allowed.

Learned counsel for the respondent submits that the evidence is almost completed and the suit is ripe for disposal.

In the circumstances, learned X Additional Senior Civil Judge, Fast Track Court, City Civil Court, Hyderabad, shall endeavour to dispose of the suit, as expeditiously as possible, but not later than 30.04.2016 without there being any further evidence, by virtue of impleadment of the petitioner as plaintiff No.2 in the suit, if the evidence of original plaintiff was already completed.

Accordingly, this Civil Revision Petition is allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAMALINGESWARA RAO, J

21.01.2016

MVA