

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No. 2129 of 2015

Order:

The second defendant in OS No. 45 of 2006 on the file of the learned Junior Civil Judge, Gannavaram, is the petitioner herein. The first respondent herein filed the said suit for a declaration that the gift deed, dated 04.04.2005, executed by the first defendant in favour of the second defendant in respect of the plaint schedule property, as null and void. The defendants 1 and 2 filed separate written statements. The evidence of PW.1 was completed. After completion of the evidence of PW.1, the second defendant filed IA No.159 of 2015 seeking amendment of her written statement on the ground that the plaintiff, during the pendency of the suit, executed a registered General Power of Attorney, dated 23.12.2014, in favour of his son, and his son is in possession of the suit schedule property.

2. A counter was filed to the said application stating that the plaintiff has every right to execute any document in favour of his son and there is no need to implead his son as party to the proceedings. It was also stated that the proposed amendment is not necessary for the purpose of disposal of the suit.

3. The learned Junior Civil Judge considered the rival pleadings and observed that the question involved in the suit is whether the gift deed, dated 04.04.2005, executed by the first defendant in favour of the second defendant is valid or not and who was in possession of the plaint schedule property as on the date of filing of the suit. It was further observed that the suit was filed in the year 2006 and the alleged GPA was executed on 23.12.2014. It was also observed that the counsel for the second defendant brought to the notice of the Court with regard to execution of GPA subsequent to filing of the suit and the said admission by PW.1 in his cross-examination is sufficient for the

purpose of the case and, accordingly, dismissed IA No.159 of 2015, by an order dated 01.04.2015, and this Court finds that the said order does not warrant any interference.

4. Accordingly, the Civil Revision Petition is dismissed. However, in the circumstances, no costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.
Date: 10.02.2016
Nsr

RAMALINGESWARA RAO, J.