

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.4713 of 2017

ORDER :

This Revision is filed assailing the order dt.08-08-2017 in E.A.No.32 of 2017 in E.A.No.214 of 2014 in E.A.No.208 of 2014 in E.P.No.74 of 2009 in O.S.No.164 of 2007 of the Junior Civil Judge, Chintalapudi.

2. Petitioner was a claim petitioner in the said E.P. and he claimed title to an extent of Ac.4.42 cents in R.S.No.104/2A, 104/2B and 94/2 of Konizerla village, Linngapalem Mandal on the ground that he purchased it under registered sale deed dt.10-11-2006 (doc.No.5404/2006). He also contended that he obtained title deed and pass book basing on the sale deed, that these documents are necessary and the Court below should allow the petition.

3. The 1st respondent filed a counter contending that the decree-holder filed the suit in 2007 and obtained a decree and in 2009, in execution proceedings, a sale deed was executed in his favour and possession was delivered in 2014, but the passbook filed by petitioner is of the year 2015 and no cogent reason was given for not filing this document earlier.

4. The Court below passed an order on 08-08-2017 that the original of the registered sale deed, on the basis of which title was claimed by petitioner, had not been filed and without filing it, the

petitioner cannot succeed. It however permitted marking of title deeds issued by the Revenue authorities.

5. Learned counsel for petitioner contends that the petitioner is now in possession of the original of the registered sale deed, under which he purchased the above property, that it was deposited in a bank for the purpose of raising loan, that the loan has now been cleared, that return of it has been taken and is now available for filing in the Court below. He therefore seeks permission of this Court to file the said document before the Court below.

6. Having regard to the said submission, the Civil Revision Petition is disposed of directing the petitioner to file an application in the Court below for receiving the said document giving reasons why it could not have filed earlier and the Court below is directed to consider the said application in accordance with law after hearing the contentions of respondents and pass a reasoned order in accordance with law. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date : 06-10-2017

Vsv