

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.4003 OF 2011

DATED : 09.11.2017

Between :

Mallela Varalakshmi, W/o.Siva Galireddy,
Aged 39 yrs, Hindu, Occu : Housewife,
R/o.Tsunduru (V) & (M),
Presently R/o.lakshmipuram,
Near Sri Chaitanya College,
Guntur, Guntur MMC.

.. Petitioner/5th defendant

And

Adapa Seetharavamma, W/o.Chinna Meenareddy,
Aged 91 yrs, Occu : Housewife,
R/o.Tsunduru, Tsunduru Mandal,
Tenali MMC & others.

.. Respondents



This court made the following :

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ORDER :

Petitioner herein is the 5th defendant in O.S.No.274 of 2007 on the file of Additional Senior Civil Judge, Tenali. Plaintiff/12th respondent herein filed suit for declaration and recovery of possession. The petitioner herein filed I.A.No.922 of 2011 under Order 16 Rule 14 of Code of Civil Procedure to issue summons to the Branch Manager, Andhra Bank, Tsundur Village to bring loan ledger of Kurri Venkata Subbamma @ Subbamma and all the documents relating to the above said loan and G.V.R.Acharyulu, retired Village Administrative Officer, of Tsundur Village, to examine them on her behalf as witnesses.

2. The case of the petitioner appears that false averments were made by the plaintiff and to disprove the said averments and to prove that petitioner was in possession of the subject property, she wanted to lead evidence as noted above. On elaborate consideration of the claim made by the petitioner, the trial Court dismissed the application against which this revision is preferred.

3. Heard learned counsel for the petitioner and Sri G.Ramachandra Reddy, learned counsel for the 12th respondent/plaintiff.

4. Learned counsel for the petitioner submits that petitioner wanted examination and production of record by summoning the Branch manager to prove that petitioner was in possession of the subject property and on such property she obtained loan from Andhra Bank, which would establish that she has been in possession and the property belongs to her. Further the retired

Village Administrative Officer, gave deposition in M.C.No.31 of 1994 in the year 1994 which would also establish the claim of possession and also prove that she was in possession and enjoyment.

5. As noted above, the suit is for declaration of title and recovery of possession. Therefore, possession of suit schedule property by the petitioner herein has no relevance.

6. It appears from a reading of the order of the trial Court that though sufficient opportunity was afforded to the petitioner, at no point of time she informed the Court about the list of witnesses on her behalf and the necessity to mark documents and to examine additional witnesses. The trial Court was of the opinion that petitioner was only interested to keep the suit pending and application is not made bonafidely prosecute the litigation and that the evidence of Branch manager, Andhra Bank and retired Village Administrative Officer, are not at all necessary for deciding the issue involved in the suit.

7. It is a well considered order. I do not see any error in the decision arrived at by the trial Court, warranting interference by this Court.

8. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

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

P.NAVEEN RAO,J

9th November 2017
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