

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No. 4615 OF 2017

DATED 15TH SEPTEMBER, 2017

Between:

Battina Ram Gopal ... Petitioner

AND

Bandari Nagaraju and another ... Respondents

Counsel for the petitioner : Sri N.Subba Rao

Counsel for the respondents : ---



THE COURT MADE THE FOLLOWING

ORDER:

This civil revision petition is filed against order dated 25-07-2017 in I.A.No. 446 of 2015 in A.S.No. 94 of 2012 on the file of the learned Judge, Family Court – cum – V Additional District & Sessions Judge at Visakhapatnam (for short, 'the Court below').

2. I have heard Sri M.Koteswara Rao, learned counsel for the petitioner, and perused the record.

3. The petitioner filed O.S.No. 870 of 2004 on the file of the Court of V Additional Senior Civil Judge, Visakhapatnam (for short, 'the trial Court'), for declaration of title, recovery of possession and payment of damages in respect of the suit schedule property. The trial Court decreed the suit. Feeling aggrieved by the said decree, the respondents filed A.S.No. 94 of 2012. In the said appeal, they have filed I.A.No. 446 of 2015 for sending Ex.A6 Will and Ex.A7 Codicil purportedly executed by the paternal uncle of the petitioner to handwriting expert on the ground that there is variation in the signatures of the testator between Exs.A6 and A7. This application having been allowed by the Court below, the respondent in the appeal filed this civil revision petition.

4. At the hearing, this Court has pointedly asked learned counsel for the petitioner as to whether his client is relying on Exs.A6 and A7 for claiming title over the property. Learned counsel replied that dehors the Will and Codicil, his client is claiming independent right over the property. Inasmuch as the petitioner has set up title in his own right dehors the Will and Codicil, the finding on the genuineness or otherwise of the said documents will not have any bearing on the outcome of the appeal.

5. In this view of the matter, the order of the Court below would not in any manner cause prejudice to the interests of the petitioner. Therefore, I do not find any merit in this revision petition and the same is accordingly dismissed.

6. As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No. 6028 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 15-09-2017.

JSK

