

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.5881 and 5891 of 2017

Common Order:

Both these revisions are filed by the defendant in a suit for recovery of possession, challenging the dismissal of an application for reopening the evidence and also for summoning the Excise Executive Officer and the Commissioner of Nagara Panchayat, Tiruvuru.

2. Heard Mr. Venkateswarlu Chakkilam, learned counsel for the petitioner.

3. The petitioner is the father and the respondent is his son. The respondent filed a suit for recovery of possession of the schedule mentioned property, on the ground that under a registered gift deed dated 19-11-2003, the property was conveyed to him. The petitioner took a defence that the gift deed was never acted upon.

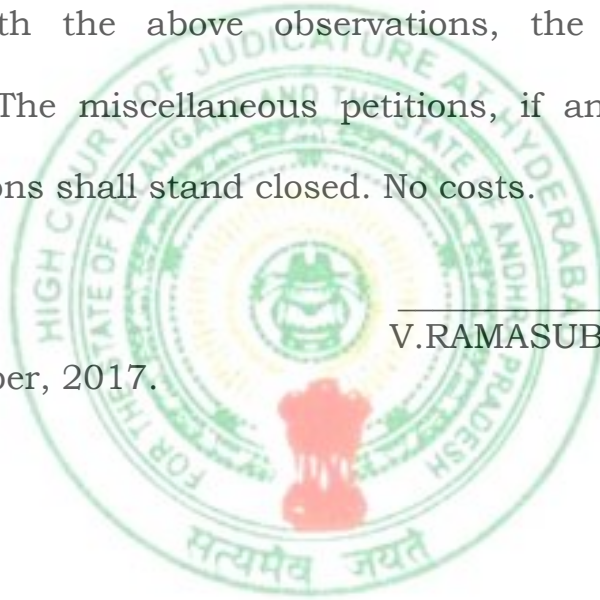
4. It is the case of the petitioner that to disprove the defence of the petitioner, the respondent filed two tax receipts as Exs.A-5 and A-6 on which the name of the petitioner was indicated to be the owner, but the name of the respondent was written on top, by tampering with the original records. Taking such a stand the petitioner filed two applications, one for reopening and another for summoning two official witnesses from the Gram Panchayat. These applications were dismissed by the Trial Court forcing the petitioner to come up with the above revisions.

5. Exs.A-5 and A-6 are mere tax receipts. Assuming that there has been a tampering, the same will not throw any light upon the question as to whether the gift deed has been acted upon or not. The question as to whether a gift deed has been acted upon, has to be answered with reference to several parameters. Therefore, summoning of the officials, is wholly unwarranted. The Trial Court was right in dismissing the applications. It is open to the petitioner to raise all objections at the time of trial.

6. With the above observations, the revisions are dismissed. The miscellaneous petitions, if any, pending in these revisions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

03rd November, 2017.
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