

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

SECOND APPEAL No.256 OF 2018

ORDER: (ORAL)

Vide the present second appeal, the appellant/plaintiff seeks direction thereby setting aside the decree and judgment dated 08.03.2011 passed in O.S.No.229 of 2007 by the Principal Junior Civil Judge, Bapatla, Guntur District, as confirmed in A.S. No.16 of 2011 by the Senior Civil Judge, Bapatla, vide its judgment dated 06.11.2017.

2. Heard learned counsel for the appellant/plaintiff and the learned counsel for the respondents/defendants.

3. After hearing the learned counsel for the parties, it is not in dispute that between the appellant and her sisters, a partition suit vide O.S No.96 of 2007 is pending before the Senior Civil Judge, Bapatla.

4. In the present case, the whole issue is regarding Ac.1.00 cents of land in possession of the appellant herein, purchased from her sister, namely, Ragam Nageswaramma, and the appellant, who is present in Court, in-person, submits that, she is ready to deposit mesne profit, for an amount of Rs.10,000/- (Rupees Ten Thousand only) per year from 2012 onwards, before the Senior Civil Judge, Bapatla, where partition suit is pending, and the amount sought to be deposited by the appellant herein, shall be distributed, subject to outcome of the partition suit, among all the sisters,

except appellant herein, and her vendor Ragam Nageswaramma.

5. I hereby make it clear that the amount as agreed from 2012 onwards till date shall be deposited by the end of October 2018 and shall continue to deposit Rs.10,000/- per year till disposal of the partition suit pending before the Court below.

6. Since the partition suit is of 2007, therefore, I hereby direct the Senior Civil Judge, Bapatla, to dispose of the partition suit vide O.S.No.96 of 2007, within six (06) months, from the date of receipt of a copy of this order, by giving opportunity to both parties.

7. I further make it clear that rights of the parties in the suit land and the amount deposited shall be subject to outcome of the partition suit. Any observations made in this order shall not prejudice the rights and contentions of the parties in the partition suit.

7. In view of the above direction, the Second Appeal is disposed of. No order as to costs.

8. It is made clear that the appellant herein shall continue to cultivate the suit land till disposal of the partition suit.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

Date : 21-08-2018
Gvl