

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION Nos.1615 and 1627 of 2018

COMMON ORDER:

Heard learned counsel for the petitioners. The petitioners are defendants 5 to 7 in O.S.No.141 of 2010 on the file of IV Additional District Judge, Nellore. The respondents herein filed the aforesaid suit seeking to declare the Sale Deed, dated 30.05.1951 executed by the 2nd plaintiff through her husband in favour of 3rd defendant, is null and void; to cancel the registered Sale Deed, dated 16.08.1999, executed by the 1st defendant in favour of 2nd defendant and to grant permanent injunction. After completion of evidence, the petitioners herein filed I.A.Nos.79 and 80 of 2018 to reopen the case for defendants' side and to summon the M.R.O., Kavali, SPSR Nellore District, to cause production of ration card. When the said applications were dismissed by separate orders, the present Civil Revision Petitions are filed.

2. C.R.P.No.1615 of 2018 arises out of I.A.No.79 of 2018, whereas C.R.P.No.1627 of 2018 arises out of I.A.No.80 of 2018.

3. It is admitted in the affidavit that the suit is coming up for arguments. After completion of cross-examination of D.W.3 on 12.02.2018, it was noticed that the date of birth of one Revuru Kanakavallemma was manipulated in Aadar Card, which was marked as Ex.B.1. The ration card also similarly contained wrong entry. In those circumstances, it is necessary to re-open the suit and summon the M.R.O.

4. A counter-affidavit was filed stating that entries in the revenue record will not conclusively prove the date of birth of a person. If entries in the ration card are wrongly noted, the card holder can file a petition and get the same modified as per law.

5. On the basis of above pleadings, the trial Court noticed that the ration card and the Aadhar card were marked as Exs.B.34 and 35 through D.W.3. The veracity of entries made therein was held to be adjudicated by the Court below at the time of considering the evidence.

6. After going through the facts and circumstances of the case, this Court finds that there is nothing wrong in the order passed by the trial Court and accordingly, the Civil Revision Petitions are dismissed.

Miscellaneous petitions, if any, pending in these two civil revision petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

MARCH 19, 2018

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Date:19.03.2018

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