

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.32914 OF 2017

ORDER:

Heard learned counsel for the petitioner, learned standing counsel for the third respondent and learned counsel for the fourth respondent.

This writ petition is disposed of with the consent of all the parties at the admission stage.

The petitioner states that the agricultural land of an extent of Acs.5.00 cents at Survey No.319-C of Pamidi Village was assigned to her ancestors, but the fourth respondent fabricated a sale deed as if the said land was sold by the husband's father of the petitioner in the year 1984. In fact, the father of the husband of the petitioner died on 25.08.1981. When the fourth respondent and his vendor tried to interfere with the land of the petitioner, the petitioner filed O.S.No.42 of 2010 on the file of the Junior Civil Judge, Gooty, Ananthapuram District, for permanent injunction and the application for temporary injunction in I.A.No.156 of 2010 was dismissed on 07.05.2011. Against the same, C.M.A.No.2 of 2011 was filed before the learned Senior Civil Judge, Gooty, Ananthapuram District, and the same was allowed on 13.03.2012. Now the trial commenced in the said suit and in order to prove the case of the petitioner before the civil Court, the petitioner wanted a death certificate with regard to the death of the father of the petitioner's husband. When the son of the petitioner made an application on 01.04.2015, it was informed that the death certificate of the petitioner's husband's father was cancelled on the complaint of the fourth respondent. The allegation of the petitioner is that the said act of cancellation was done at the instance of the fourth respondent without issuing any notice to the petitioner. The petitioner wants the said death certificate in order to prove her case in O.S.No.42 of 2010 on the file of the Junior Civil Judge, Gooty, Ananthapuram District.

In view of the same, the writ petition is disposed of directing the third respondent to consider the case of the petitioner for issuance of death certificate of petitioner's husband's father, i.e., Kesappa, which was alleged to have been cancelled at the instance of the fourth respondent, by hearing the petitioner and the fourth respondent afresh and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in the writ petition shall stand closed.

17.04.2018
pln



A.RAMALINGESWARA RAO, J