

HON'BLE MS. JUSTICE J. UMA DEVI

C.R.P.No. 2120 of 2018

ORDER:

Against the order dated 7.12.2017 passed by the Senior Civil Judge, Zaheerabad refusing to entertain the suit filed by the petitioner herein for partition of the suit schedule properties into four equal shares, the present civil revision petition is filed.

The petitioner, respondents 3 and 4 are the sons of respondents 1 and 2. The petitioner filed the suit for partition of the suit schedule properties into four equal shares contending that at the behest of respondents 3 and 4, the respondents 1 and 2 are trying to sell the suit schedule properties. The said suit was not taken on file by the lower court for the reasons recorded in the order impugned in this revision petition.

The objection raised by the office of the lower court was that the suit schedule properties in which the share is claimed by the petitioner are the self-acquired properties of 1st respondent. The lower Court, after hearing the submission of the petitioner, has come to the opinion that sons or the daughters of 1st respondent cannot claim share in the suit schedule properties which are his self-acquired properties. The documents filed along with the plaint themselves speak to the fact that the properties are self-acquired properties of 1st respondent; and that the plaintiff, as a matter of right, cannot claim share in the self-acquired properties of 1st respondent, therefore the suit filed for

partition by the petitioner claiming 1/4th share in the properties of R1 has not been taken on file by the court below upholding the objection raised by the office. I agree with the opinion expressed by the learned Senior Civil Judge, Zaheerabad so far as the office objection raised as to the maintainability of the suit filed by the petitioner claiming one fourth share in the suit schedule properties which, as per the documents filed by him, are the self-acquired properties of R1.

The revision petition is accordingly dismissed. However, this order does not preclude the petitioner from availing other remedies available under law. No costs.

Dt. 13.7.2018

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NB:

CC of order be furnished in two days.

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J. UMA DEVI, J