

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CIVIL REVISION PETITION No.4136 OF 2017

Dated:19.01.2018

Between:

Pindi Ravi, S/o. Sri Lingaiah,
Aged 43 years, Occ: Agriculture,
R/o. Mallampally, Mulug Mandal,
Warangal District

.. Petitioner

And

Thallapally Laxminarayana,
S/o. Sri Mallesham, Aged 63
years, Occ: Revenue Employee,
R/o.H.No.2-9-273/1, Mitra Complex,
Sneha Nagar, Waddepally,
Hanamkonda, Warangal

.. Respondent



The Court made the following:

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ORDER:

On 03.11.2017, while issuing notice before admission, learned counsel for the petitioner was permitted to take out notice to the respondent. Notice was served and memo in proof of service of notice is also filed. However, no appearance on behalf of respondent is filed.

2. Plaintiff/petitioner filed I.A.No.745 of 2016 in O.S.No.426 of 2008 on the file of II Additional Junior Civil Judge, Warangal under Order XIII Rule 9 C.P.C. praying to return the original documents marked as Exs.A1 and A2 to obtain educational loan to his daughter from nationalized bank. In the I.A., it was pleaded that the daughter of the plaintiff intends to prosecute higher education and requires loan from any scheduled bank for the same. Petitioner intends to create pledge over the property to obtain the bank loan. This plea of the petitioner was contested by the respondent/defendant. The trial Court rejected the application on the ground that O.S.No.488 of 2008 was instituted by Sri B.Srinivas claiming that he purchased the very same property from the defendant. Since two suits are pending and there are rival claims, the Court refused to grant the leave sought by the petitioner on the ground that it would amount to creating pledge over the property and would lead to multiplicity of proceedings.

3. As seen from the record, the trial Court has not doubted the *bona fides* of the claim of the petitioner requesting the Court to return the original documents marked as Exs.A1 and A2 to obtain

educational loan from any nationalized bank. Merely because the documents are presented before the nationalized bank, it is not mandatory for such bank to grant loan and it is for the bank to verify the genuineness of the documents before accepting the pledge of the properties while granting loan. Thus, the reason assigned in rejecting the request of the petitioner is not valid.

4. Having regard to the specific assertion that the petitioner *bona fide* required the documents to secure loan to enable his daughter to prosecute higher education granting the relief prayed in I.A.No.745 of 2016, the Civil Revision Petition is disposed of. However, it is made clear that petitioner shall produce the documents as and when required by the trial Court. Petitioner shall also inform the concerned bank about the pending suits. There shall be no order as to costs.

Miscellaneous petitions, if any filed in this Civil Revision Petition shall stand closed.

P. NAVEEN RAO, J

Date:19.01.2018

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