

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.5373 of 2018

20.09.2018

Between:

Puti Narasinga Rao

..Petitioner

and

Rokkam Raja Pradeep

..Respondent

Counsel for the petitioner: Mr.A.Sudhakara Rao

Counsel for the respondent: None appeared

The Court made the following:



ORDER:

This Civil Revision Petition arises out of order, dated 07.05.2018, in I.A.No.257 of 2017 in O.S.No.38 of 2017 on the file of the learned Junior Civil Judge, Madugula.

2. The petitioner, who is the defendant in the aforementioned suit filed by the respondent for specific performance of agreement of sale, filed I.A.No.257 of 2017 under Order VII Rule 11 C.P.C. for rejection of the plaint on the ground that the suit agreement of sale is hit by the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), which prohibits transfer of any assigned land contrary to the assignment rules. While the petitioner relied upon the definition of "transfer" under Section 2(6) of the Act, the Court below, however, took the view that as the assignment was governed by G.O.Ms.No.743, Revenue (B) Department, dated 30.04.1963, as clarified by G.O.Ms.No.1117, Revenue (Assignment-I) Department, dated 11.11.1993, neither of the two G.Os. prohibited entering into agreement of sale. In my opinion, the issue raised by the petitioner is required to be adjudicated in the suit along with other issues.

3. In the above view of the matter, I am not inclined to interfere with the order of the Court below. However, the Court below is directed to frame a specific issue as to whether the suit agreement of sale is hit by the provisions of the Act and the two G.Os. referred to above and render a decision on the said issue along with the other issues after considering the evidence, if any, adduced by both the parties, without being influenced by the findings rendered by it in the order under revision.

4. Subject to the above direction, the Civil Revision Petition is dismissed.

5. As a sequel to dismissal of the C.R.P., I.A.No.1 of 2018 filed by the petitioner for interim relief stands dismissed as infructuous.

20th September, 2018
GHN

C.V.NAGARJUNA REDDY, J