

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

C.R.P.Nos.5692 and 5707 of 2018

Date: 05.10.2018

Between:

Battina Ramanamma,
W/o.Late Rajababu,
Aged 48 years,
Occ: Housewife,
R/o.D.No.19-20/A,
Erni Durga Nagar,
Sector-4,
Arilova Colony,
Visakhapatnam.

...

Petitioner

And

Yelleti Mangamma
W/o.Late Gudivada Rama Rao,
Aged 65 years,
Occ: Housewife,
R/o.Tarakarama Colony,
Kotha Raod,
Visakhapatnam

...

Respondent

Counsel for the Petitioner : Mr. E.Venkata Reddy

Counsel for the Respondent: ---

The Court made the following:

Order:

These two civil revision petitions arise out of inter related interlocutory applications namely I.A.Nos.764 of 2018 and 765 of 2018 in O.S.No.1754 of 2008, filed for re-opening the suit and to summon the Mandal Revenue Officer, Chinnagadili mandal, Visakhapatnam, for causing production of record pertaining to patta issued in favour of the petitioner respectively .

2. I have heard Mr.E.Venkata Reddy, learned counsel for the petitioner and perused the record.

3. The respondent filed the aforementioned suit, *inter alia* for declaration of her title in respect of the suit scheduled property. She pleaded that she was granted patta in respect of the plaint schedule property under Howrah Bridge Rehabilitation Scheme. In order to prove the said plea, the respondent has sought summoning of Mandal Revenue Inspector (MRI) working in the office of the Tahsildar, Visakhapatnam Rural. The M.R.I. was accordingly examined on behalf of the respondent on 07.03.2018. The M.R.I. was subjected to cross-examination by the counsel for the petitioner. Thereafter, the petitioner has filed the aforementioned two I.As. The lower court has dismissed these I.As. by stating that the petitioner already availed the opportunity of cross-examining the M.R.I. and that, therefore, there is no need for summoning the M.R.O. again.

4. The learned counsel for the petitioner submitted that when some questions were put to the M.R.I. about the patta granted to the petitioner, she has feigned ignorance as she did not bring the record pertaining to the said patta claimed by the petitioner in the suit.

5. In a suit filed for declaration of title by the plaintiff, the court need not examine the title of the defendant, as the plaintiff has to succeed on the strength of her own case, rather than on the weaknesses of the defendant. Therefore, in my opinion, it is wholly unnecessary for the petitioner to prove her patta. The suit being of the year 2008, the petitioner cannot be permitted to file applications at this belated stage and drag the same for one reason or the other.

6. For the aforementioned reasons, I do not find any merit in these civil revision petitions and they are, accordingly, dismissed.

7. As a sequel to the dismissal of the civil revision petitions, I.A.No.1 of 2018 in C.R.P.No.5692 of 2018 and I.A.No.1 of 2018 in C.R.P.No.5707 of 2018 stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Date: 05th October, 2018

msb

