

HONOURABLE SRI JUSTICE P.NAVEEN RAO
CIVIL REVISION PETITION NO.6822 OF 2017

Date: 06.04.2018

Between:

Manjeera Educational Society at Hyderabad, rep.by its
President Sri B.Shravan Kumar, s/o. Naroatham Reddy,
Aged about 50 years, occu: Business,c/o.Kakatiya
Physiotherapy College, H.No.23-6-203/2, Hunter Road,
Hanamkonda, Warangal and others.

.....Petitioners

and

Samala Sadanandam, s/o. late Chennaiah,
Aged about 52 years, occu: Business, r/o. New Shyampet,
Hunter Road, Hanamkonda, Warangal District and others.

.....Respondents



The Court made the following:

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ORDER:

Heard Sri A.Venkatesh, learned counsel for petitioners, Sri S.Ramachandra Prasad, learned counsel for respondent no.1. Petitioners are defendants in the suit. Parties are described as arrayed in the suit.

2. Plaintiffs filed O.S.No.1421 of 2005 on the file of II Additional Junior Civil Judge at Warangal, praying to grant mandatory injunction directing defendants to remove partly constructed compound wall and to grant perpetual injunction restraining defendants from causing obstruction and interfering with peaceful possession and enjoyment of suit schedule property.

3. The counsel for plaintiffs served notice on defendants under Order XII Rule 8 of CPC to produce documents i.e., original day book for the period 1.4.1998 to 31.3.1999 of first and second defendant society, original ledger for the period 1.4.1998 to 31.3.1999 of first and second defendant society, income tax statements and financial statement for the period 1.4.1998 to 31.3.1999 of first and second defendant society, bank account statement for the period 1.4.1998 to 31.3.1999 of first and second defendant society, income tax statement of G.Karunaker Reddy for the period 1.4.1998 to 31.3.1999, Bank statement of G.Karunaker Reddy for the period 1.4.1998 to 31.3.1999, income tax statement of V.Kalpana for the period 1.4.1998 to 31.3.1999, bank statement of V.Kalpana for the period 1.4.1998 to 31.3.1999, original registered sale deed marked as Ex.B3, B4, and B9, and original plan filed before Municipal Corporation, KUDA vide DP (PMP

No.3/2000) dated 5.9.2002. The said request of plaintiffs was opposed by the defendants. Overruling the objection, The trial Court accepted plea of plaintiffs and directed defendants to file ledger book the day books of the society, income tax statement, bank account statement of G.Karunaker Reddy and V.Kalpana for the period 1.4.1998 to 31.3.1999 within 14 days. Challenging the said order of the Trial Court this revision is filed by defendants.

4. According to plaintiffs, from out of compact block, father of plaintiffs sold 3025 square yards to 1st defendant, 606 square yards to 2nd defendant and 604 square yards to 3rd defendant, in all 4325 square yards, in Sy.No.856. After this sale, he was left with 12 guntas in Sy.No.856 and 2½ guntas in Sy.No.852. Plaintiffs allege that defendants encroached into their land, dug trenches towards eastern side of their land and constructed compound wall. According to plaintiffs, the extent of land purchased by the defendants can be ascertained if the books of account, ledger book and day book of the society/income tax statement of individual/bank account statement for the period from 1.4.1998 to 31.3.1999 are produced.

5. Defendants would contend that their vendor sold land with measurements of 128.5 x 18, total of 257 square yards as lane exclusively for the use of society. They rely on sale deed documents marked as Exs.B3, B4 and B9. They deny the allegation of making construction on suit schedule land. Plaintiffs contend that Exs.B3, B4 and B9 are tampered. The defendants contend that there was a big channel dividing 100 feet public road and defendants land and this channel separates two villages. This

was filled up and leveled by defendants. They dispute claim of plaintiffs acquiring suit schedule land by registered will and dispute extent of land owned by them.

6. The pleadings on record would disclose that there is a serious dispute on entitlement of land to an extent of 257 square yards. According to plaintiffs, this extent of land was not sold to defendants and they are in illegal occupation; on the contrary according to defendants, the piece of land in issue does not belong to plaintiffs and that plaintiffs own only 9 guntas and 106 square yards of land in Sy.No.856 after the land sold to them. They also contend that plaintiffs were not the sole owners of the land sold to them.

7. It thus appears from respective pleadings, prima facie, that the issue for adjudication is whether piece of land claimed by plaintiffs belong to plaintiffs and was not sold to defendants and therefore defendants are in illegal occupation.

8. Therefore, the documents sought by plaintiffs are not relevant for consideration of the issues in a suit for perpetual injunction.

9. The Trial Court erred in directing defendants to produced documents mentioned in the operative portion of the order and is not sustainable. The said order is set aside and the Civil Revision Petition is allowed. Pending Miscellaneous petitions stand closed. There shall be no order as to costs.

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