

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition Nos.896 and 913 of 2019

COMMON ORDER :

Since these two Revisions arise between the same parties out of the same suit, they are therefore being disposed of by this common order.

2. The petitioners herein are plaintiffs in the above suit, and they are legal heirs of one N. Yadagiri, who had worked as Security Guard in the Telangana State Road Transport Corporation (T.S.R.T.C.), Medchal Bus Depot, Medchal; and who had since died.

3. Initially, petitioners filed the suit for perpetual injunction restraining respondents from interfering with their possession and enjoyment of their suit schedule property contending that they are in possession thereof on the date of filing of suit.

4. Written Statement was filed by respondents claiming that 1st respondent had purchased the suit schedule property from the said N. Yadagari under an unregistered sale deed dt.13.10.2003.

5. Thereafter, trial concluded, and the matter was posted for arguments.

6. At that stage, petitioners filed I.A.No.1557 of 2018 under Order 16 Rule 10(2) of Civil Procedure Code, 1908 to summon the Manager, Medchal Depot, T.S.R.T.C. for producing the Service

Record of Sri N. Yadagiri including the Attendance Register, Payrolls, etc.; and I.A.No.1558 of 2018 to re-open the evidence.

7. Both the applications were dismissed by the Court below observing that they were filed at the stage when the matter was coming up for arguments; that the suit is filed for injunction simplicitor in 2013 and petitioners have to establish their possession and *prima facie* title; and there is no reason why the Service Register of the deceased is to be summoned.

8. Assailing the same, the present Civil Revision Petitions are filed.

9. The counsel for petitioners contended that the Court below ought to have noticed that production of these documents is necessary to show that the unregistered sale deed claimed by respondents is a fabricated one.

10. In my considered opinion, the service record of the father of plaintiffs would have no relevance because even assuming that the respondents placed reliance on the said unregistered sale deed allegedly executed by N. Yadagari, since no title can be conveyed under an unregistered sale deed.

11. In any event, it is for the parties to prove their possession on the date of filing of the suit, and question of title will only be gone into incidentally.

12. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

13. Accordingly, the Civil Revision Petitions fail and are dismissed.
No order as to costs.

14. As a sequel, miscellaneous petitions pending if any in these Civil Revision Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12.04.2019

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