

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL REVISION PETITION No.5694 OF 2017

ORDER:

This revision, under Article 227 of the Constitution of India read with Section 28 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, is filed by the petitioner/defendant No.8 aggrieved by the order dated 05.09.2017 passed in I.A.No.132 of 2017 in O.S.No.91 of 2008 by the Principal Junior Civil Judge at Shadnagar, whereby the application filed by the revision petitioner/defendant No.8 under Order VI Rule 17 read with Section 151 of CPC and Rule 28 of Civil Rules of Practice for amendment of the schedule properties for inclusion of survey numbers and extent of land was dismissed.

2. Heard learned counsel for the revision petitioner/defendant No.8, learned counsel for the respondent No.1/plaintiff and perused the record.

3. Learned counsel for the revision petitioner/defendant No.8 would contend that the property which is sought to be brought on record is ancestral property of the parties. Inadvertently, it was not brought on record. It is necessary for determination of the subject suit, which is filed for partition and separate possession by the respondent No.1/plaintiff. The Court below erroneously dismissed the subject Interlocutory Application and ultimately prayed to set aside the impugned order and allow the civil revision petition as prayed for.

4. Learned counsel for the respondent No.1/plaintiff would contend that the subject Interlocutory Application was filed belatedly. There are no details of alienation. Further, the documents filed in support of the subject Interlocutory Application do not support the case of the revision petitioner. The Court below is justified in dismissing the

subject Interlocutory Application and ultimately prayed to dismiss the revision petition.

5. It is evident from the record that the subject Interlocutory Application was filed after commencement of trial and at the stage of cross-examination of P.W.1. The revision petitioner/defendant No.8 was brought on record after the death of defendant No.4. The revision petitioner has not given the details of sale deeds executed in favour of the so-called persons. There are no details of alienation. There is no whisper in the written statement/counter filed by defendant No.4, who is the mother of the revision petitioner/defendant No.8, about an extent of Acs.13.31 guntas of land and the disputes raised with regard to the joint ownership over the property said to have been alienated. The Court below had elaborately dealt with the submissions and passed the impugned order assigning number of reasons. Earlier the revision petitioner did not raise any dispute with regard to the entitlement over the property shown in the schedule. He has raised a dispute belatedly that too, without giving details of alienation. Under these circumstances, there is no illegality in the impugned order. The civil revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Dr. SHAMEEM AKTHER, J

Date: 28.01.2020
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