

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION Nos.553, 558 and 578 of 2019

COMMON ORDER:

As these civil revision petitions are arising out of the orders passed in Interlocutory Applications of the same suit O.S.40 of 2012 on the file of Junior Civil Judge, Chennur (for short, 'the trial Court'), they are heard together and taken up for disposal by this common order.

C.R.P.No.578 of 2019

The order dated 28.11.2018 passed in I.A.No.231 of 2018 in O.S.No.40 of 2012, dismissing the application made by the petitioner seeking to send the admitted thumb impressions of Smt. Gosukula Laxmi Bai, W/o Lachaiah obtained in the open Court along with registered sale deed No.703 of 2018 dated 14.02.2008 and the thumb impression record of Sub-Registrar Office, Mancherial, to the handwriting expert for comparison and report, is challenged before this Court.

Heard the learned counsel for the petitioners; and the learned counsel for the respondent.

The petitioners are the defendants in the suit filed by the respondent seeking injunction with respect to the suit schedule property which is an agricultural land over an extent of Ac.8-43 guntas in Survey No.765 of Bheemaram village shivar R/M. Jaipur. The plaintiff filed the suit stating that the suit land was purchased from one Gosukula Laxmi Bai, W/o Lachaiah, vide registered sale deed Document No.703/2008, dated 14.02.2008 of Sub-Registrar Office, Mancherial. It is the case of the defendants that they came to acquire the property through registered sale deed executed by the husband of Gosukula Laxmi Bai in 1978. The issue before the Court was that while the defendants are contending that the said Gosukula Laxmi Bai had no right, title to pass on the title to the plaintiff, it is the case of the respondent that the husband alone has the right and title to pass on the title, the sending of the document for verification of the thumb impressions of Gosukula Laxmi Bai does not serve any purpose.

It may be borne in mind that as the suit being for simplicitor injunction, the plaintiff is required to succeed on its own merit and the evidence to be adduced. As both the parties claim that their respective vendor has the title and the other party's vendor has no title to pass on, in the event of the plaintiff's vendor is unable to establish the title to the property of their vendors, the suit would fail as the sale deed executed in favour of the petitioner is prior in point of time. Likewise, if the defendants are unable to substantiate their vendor's right to pass on a valid title, and the plaintiff is able to establish their right, the plaintiff would succeed. In that view of the matter, the application made by the petitioners does not require to be considered, more particularly when it is for the plaintiff to establish his rights in an injunction suit, and also for the reason that the suit is of the year 2012 and coming up for arguments, this Court does not find any merit in the civil revision petition.

Accordingly, the civil revision petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

C.R.P.No.553 of 2019

This civil revision petition is filed against the order dated 28.11.2018 passed in I.A.No.232 of 2018 in O.S.No.40 of 2012.

In view of the dismissal of C.R.P.No.578 of 2019, this civil revision petition also stands dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

C.R.P.No.558 of 2019

This civil revision petition is filed against the order dated 28.11.2018 passed in I.A.No.233 of 2018 in O.S.No.40 of 2012.

In view of the dismissal of C.R.P.No.578 of 2019, this civil revision petition also stands dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

CHALLA KODANDA RAM, J

27th April, 2021
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THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION Nos.553, 558 and 578 of 2019

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