

IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE: R, R, DISTRICT,
AT SAMORNAGAR:

present; Sri Syed Taluddin Hydri, B.A., LL.B.,
P.P.I. Subordinate Judge.

Dated this 10th day of July, 1990.

G.S. no. 453/84.

Varikoppula Lakshman
Varikoppula Yadagiri.

Plaintiffs.

and

J. Ram Azam;

S. S. Kusum DAVI.

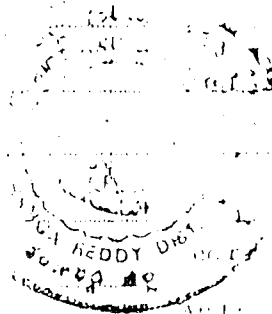
Respondents.

This suit is coming on this the 10th day of July, 1990 before me for final disposal in the presence of Sri G. Balagopal Reddy, for defendant and Sri M. Subbakar Reddy Advocate for plaintiff and the plaintiff and their counsel called absent and the court made the following:

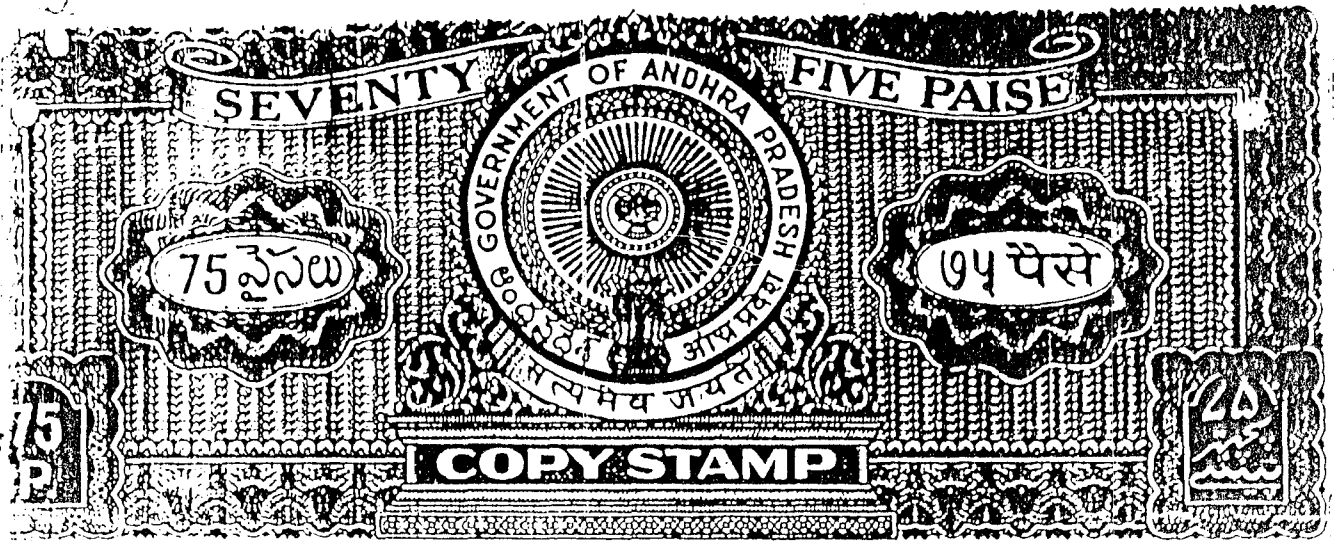
J U D G M E N T

The plaintiffs are called absent. The learned counsel for the plaintiff reported no instruction.

The suit is dismissed. No costs.



NU



11: 2 :-

written and pronounced by me in the open court on
the 10th day of July, 1955.

Sd/-
Pr. Subordinate Judge,
R. R. Dist.

Appendix of Evidence.

- Nil -

Exhibits Marked.

- Nil -

Sd/-
Pr. Sub. Judge,
R. R. Dist.

Pr. Sub. Judge

Pr. Sub. Judge

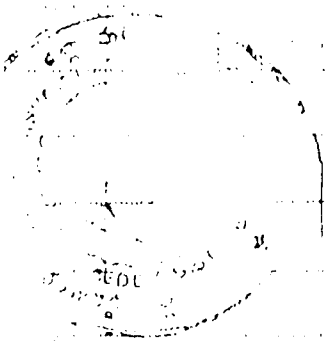
Pr. Sub. Judge

Pr. Sub. Judge

Pr. Sub. Judge

// certified to be true copy //

Copying Superintendent.



Case No. 711/85

(7)

In the Court of the Principal, Subordinate Judge, Rangas
- Ready District at Secunderabad, Hyderabad.

Present: - Sri S. Sanku, M.A.L.L.B.
Principal Subordinate Judge,
Ranga Ready District.

Dated this the 27th August 1991

C.S. 711/85

Between

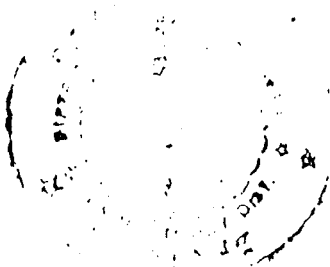
Gurudev Sridharpeth, a charitable and Religious Institution
- formerly known as "Gurudev Ashram" having its registered
office at Chavandi Grameshpuri, District Thana, represented by its
Honorary Executive, the Plaintiff Sri Smta Smta Sri Sri Sri
Manimala C. Madhava Reddy & Co. P. at Banjara Hills Hyderabad
... Plaintiff

And

1. Vanikappala Narsamma w/o late V. Ramaswami aged about
51 yrs R/O House No. 1-11-201/20 Begumpet Hyderabad.
2. Vanikappala Lakshman s/o late V. Ramaswami aged about
24 yrs R/O H No. 1-11-201/20 Begumpet Hyderabad.
3. Vanikappala Yadagiri s/o late V. Ramaswami aged about 22 yrs
R/O H No. 1-11-201/20 Begumpet Hyderabad.

Claim: - Suit for Declaration and Permanent Injunction
in respect of the Suit Schedule Property bearing Nos.
37 and 38 in part - admeasuring 78/18/85 sq yds
situated at Begumpet village, Vallabhpur taluqa,
R.R. Dist.

Valuation: - The Suit is valued at Rs. 30000/- at the rate
of Rs. 4000/- per sq yards for declaration and consequent
injunction of 24 (b) and cum gratia sume Rs. 3920
and for permanent injunction suit, valued at Rs. 1000
and paid a court fee of Rs. 11100/- (C) & (D)
C.F. & S.V. Act - Total court fee of Rs. 11027/-



Cause of Action:- The cause of action arose on 19.12.72
The date of the Suit filed by the respondents
herein.

Suit Presented on. 25-3-1985

Suit Numbered on. 25-3-1985

This suit is coming on this day of 19.12.72
before me in the presence of Sri C. Balgopal, Advocate for the
Plaintiff and of Sri N. Ramachandrayya, Advocate for the defendant
and the court cloth order and Decree as follows.

1. That the Suit of the Plaintiff be and the Court
is here by decree, Declaring the Plaintiff is the owner of
the land comprising of Sy no. 37 in entirety and Sy no. 38 in
part, admeasuring 7848.55 Sq. yards, equivalent to 6581.38
Sq. Meters, Situated at Begumpet village, Vallabhnagar Taluk
Ranga Reddy District.

2. That the defendants 1 to 3, ~~and~~ ~~with~~ ~~their~~ ~~workmen~~ ~~agents~~ ~~servants~~ ~~employees~~
~~or~~ ~~any~~ ~~other~~ ~~persons~~ ~~are~~ ~~be~~ ~~and~~ ~~the~~ ~~same~~ ~~is~~ ~~here~~ ~~by~~ ~~permanently~~
restrained from interfering with the possession of the Plaintiff
over the Suit land comprising of Sy no. 37 in entirety and Sy no.
38 in part, admeasuring 7848.55 Sq. yards, equivalent to 6581.38
Sq. Meters, Situated at Begumpet village Vallabhnagar Taluk Ranga Reddy

3. That the defendants their workmen, agents,
servants, employees, or any other persons, are and the
same is here by permanently restrained from alienating or
or carrying out any construction or in any manner charging or
encumbering the land bearing Sy no. 37 in entirety, ~~and~~ ~~Sy no.~~
38 in part, admeasuring 7848.55 Sq. yards equivalent to
6581.38 Sq. Meters, Situated at Begumpet village, Vallabhnagar
Taluk Ranga Reddy Dist.

4. It is also further ordered and decreed that
the defendants 1 to 3 do pay a sum of Rs. 6445/- to the Plaintiff towards
costs of the Suit.
Given under my hand and the Seal of the Court on this 19th day
of August 1991

COSTS OF THE SUIT

	<u>For Plaintiff</u>	<u>For defendant</u>
1. Stamp on Plaint - Rs 4037=00	-	Rs 2000
2. Stamp on Power - Rs. 2=00	-	2=00
3. Stamp on Exhibits - Rs. ---	---	---
4. Advocate fee - Rs. 2310=00	---	---
5. Service of Process - Rs 96=00	---	---
TOTAL -	Rs. 6,445=00	2=00

Principal Subordinate Judge
Ranga Reddy District

SCHEDULE OF LAND

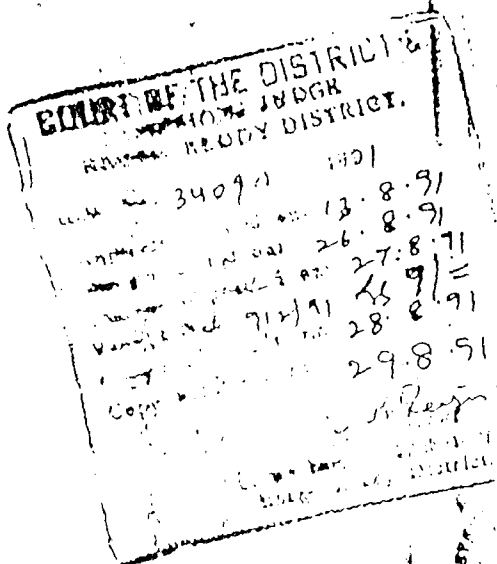
Land comprising of Survey no. 37 in entirety and Survey no. 38 in Part, admeasuring 7848.55 sq. yards, equivalent to 6581.38 sq. meters, situated at Bogumtla village, Vallabhadra Taluq, Ranga Reddy District, bounded ~~as~~ ^{as} the :-

NORTH BY :- Land belonging to M. S. Reddy.

SOUTH BY :- Dwarakadas Housing Co-op. Society.

EAST BY :- Main Road of 30' wide, and

WEST BY :- Dwarakadas Housing Co-op. Society.



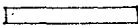
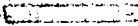
Principal Subordinate Judge, Ranga Reddy District

PLAN SHOWING THE LAND BEARING SURVEY No.37 & 38
SITUATED AT BEGUMPET, HYDERABAD.

DONOR: SHRI KUSUM P. MODI

DONEE: SHRI. GURUDEV ASHRAM.

REFERENCE

INCLUDED 
EXCLUDED 
SCALE 50' = 1"
AREA 7848.55 SQYDS.
OR 6561.38 SQ.MTS.

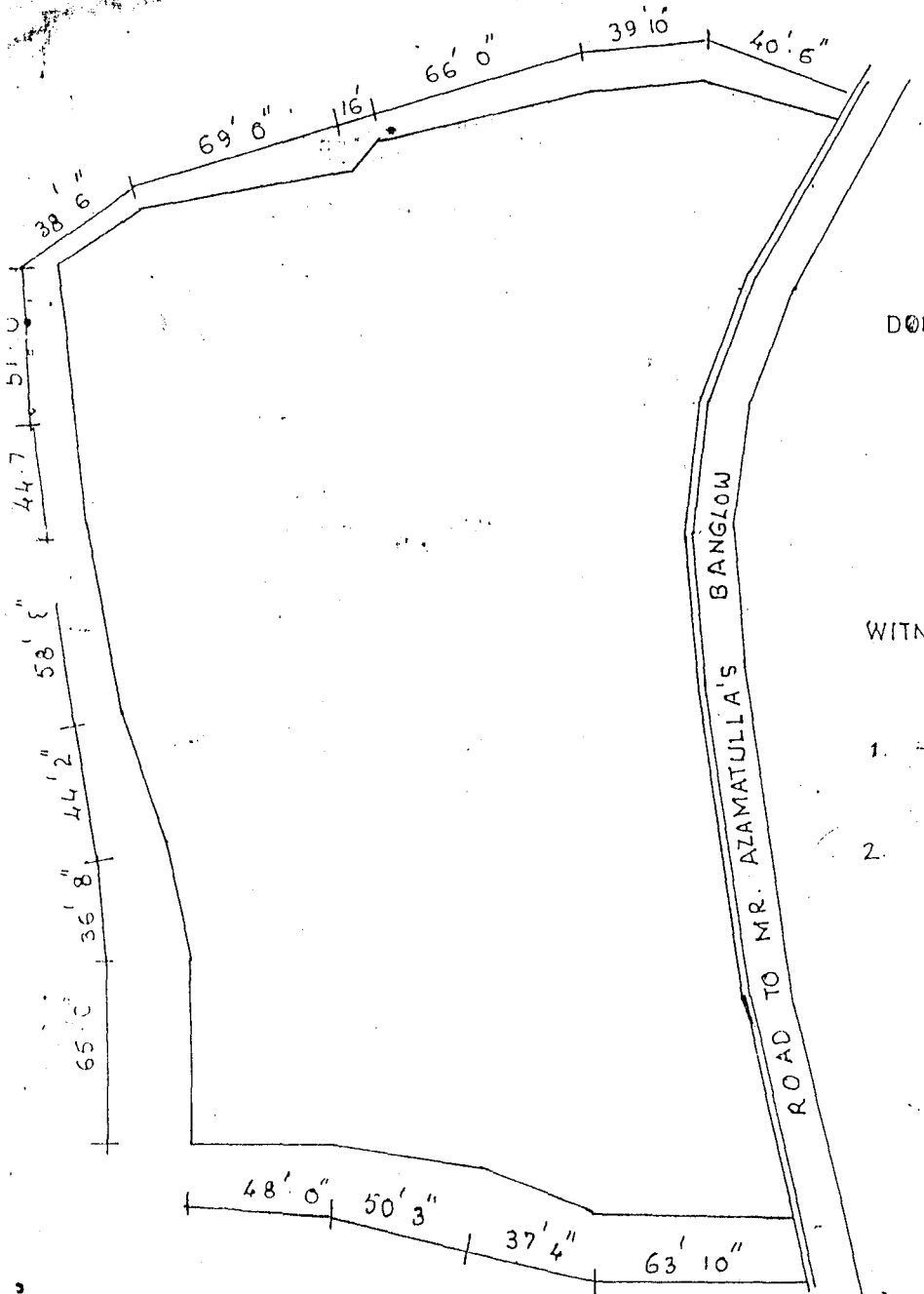
BOUNDRIES

NORTH BY LAND BELONGING TO
SIVAGANA SAYANNA & MYSANNA
S/o. SAYIGADU

SOUTH & WEST GUMMIDALLI PADMANABHA
SWAMY S/o. LAKSHMI NARAYANA.

EAST BY LANE CALLED AZAMATULLA
BANGLOW ROAD.

NORTH WEST BY KUMARI DURGIAH
& SAYANNA S/o. BALIAH.



DONOR'S SIGNATURE

WITNESSES

1. _____

2. _____



In the Court of the Prl. Subordinate Judge, Ranga Reddy District.

Present: Sri S. Sailu, M.A., B.L.,
Prl. Subordinate Judge.

(8)

Dated: This the 6th day of Aug, 21.

O.S. No. 21/35

Between:-
Curader Siddapeeth, .

... Plaintiff.

and

V. Harseema and others, .

... Defendants.

This suit is coming on 7.7.21 for final hearing before me in the presence of Sri C. Palappal, Advocate for the plaintiff, and of Sri N. R. Machandrarao, Advocate for the defendants, and the matter having stood over for consideration till this day, the court delivered the following:-

J U D G M E N T

Suit for declaration and perpetual injunction in respect of the suit sch. properties in S.No. 37 and 38 and 7848.55 sq.yds situated at Begumpet village, Vallabhnagar Tq. R.R. District.

2. The averments set out in the plaint in brief as follows;
The plaintiff is the owner of the land, above described in S.No. 37 and 38. Originally the said land belonged to one ... it was purchased by Nawab Azam Jung Bahadur under a sale deed dt. 24.1.1344 Fasli. The Nawab in turn sold the said land to one Macherla Veerabhadra Rao under a sale deed, dt. 22.5.53, later the property was again sold by Macherla Veerabhadra Rao to three purchasers by virtue of a registered sale deed dt. 1.2.61; a sale deed dt. 6.11.64, the property was conveyed to Sri. ... Holi, who in turn settled the land in favour of the plaintiff by a Deed of Gift Settlement dt. 2.7.75. Thus the plaintiff is in possession and title of the suit property for more than 10 years.

3. The defendants claiming to be the legal heirs of one ... file a suit in O.S. 453/84 on the file of this court ... one Masif Azam and another for the relief of injunction, ... alleged that the defendant was a protected tenant ...

1177

the said land and they being the heirs of a protected tenant, they have become the owners of the said land. With the aid of the said orders the defendants herein are trying to interfere with the possession of the plaintiff over the said land. The defendants having no right or title in respect of the land. The defendants threatened to interfere with the possession of the plaintiff. The defendants are also trying to sell the said land to third parties depriving the plaintiff in possession and enjoyment of the said land for more than 40 years, as such the defendants have no right or title the plaintiff is therefore filed the suit for declaration and perpetual injunction. The cause of action for the suit arose on 29.12.84 and on subsequent dates.

4. Defendant filed their WR denying the allegations made in the plaintiff, they also denied that the plaintiff is the owner of the land comprising of the entire S.No.37 Mm. No. 1, 1984 bearing S.No.37 situated at Begumpet vs. The defendants submitted an application before the Tahsildar for the grant of protection certificate in their favour as the legal heirs of Ramesh. The Tahsildar after due enquiry conducted in the locality in the presence of panchas and xxx public and verifying himself that the defendants alone are the legal heirs of the deceased protected tenant V. Ramesh, on 23.8.84 came to the conclusion that the defendants alone are the legal heirs of the deceased tenant V. Ramesh granted succession certificate through his proceedings No. 2, 1984, B/3331/84, dt. 24.12.84 as per the provisions of Sec. 10(2) of the Telangana Area Tenancy and Agricultural Laws Act, 1950. The plaintiff was continued in possession and enjoyment of the said land. The plaintiff nor their vendor having any title through out of the suit sch, property. The suit for the plaintiff for declaration and title and for injunction is not at all maintainable and the suit filed in O.S. 458/84 which is pending wherein they filed J.A. 1207/84 for interim injunction, it has been granted and was made absolute. In view of the above the plaintiff having no right in the said land, they cannot claim declaration nor perpetual injunction.

these defendants.

5. Having on the above pleadings the following issues were settled for trial.

- 1) Whether the plaintiff is the owner and ~~possessor~~ possessor of the suit land?
- 2) Whether the plaintiff is entitled to the declaration of title and permanent injunction as prayed for?
- 3) To what relief?

6. PW.1 examined Exs.A1 to A4 marked. The defendants not adduced oral evidence nor marked any documents on their behalf.

7. ISSUE NO:1:-

According to the PW1 he is working as Local Manager of the plaintiff institution, and aware of the facts of this case. One Shivaiah was the original owner of the suit property, he sold the properties to one Nawab Wasif Khan under a registered sale deed vide Ex.A1, who in turn sold the suit properties to one H.Veerabhadra Rao under registered sale deed vide Ex.A2. Veerabhadra Rao in turn sold the properties through the registered sale deed vide Ex.A3 to one Satish Modi and Smt.Girija Bane Modi and Kusum P.Modi vide Ex.A3.Smt.Kusum P.Modi in turn gifted the suit property in favour of Sri Gurudev Ashram through a registered gift deed dt.7.7.75 vide Ex.A4, later the name of Gurudev Ashram as change to Gurudev Siddhpeeth as per the plaintiff is in possession of the suit property from 1975 onwards. The defendants are trying to interfere with the property.

8. The defendants having appeared before this court and filed their WS contradicting the averments of the plaintiff and failed to produce their evidence inspite of adjourning the court for cross-examination of PW1 finally. The cross-examination of PW1 by the defendants are forfeitted and potted for defendants evidence to 2.7.01 on 8.1.01 also the defendants and their counsel called absent in

15

11/11

... the oral evidence of the defendants...
... the defendants failed to appear before the court...
... to contradict the oral evidence...
... it is clear from Exs. A1 to 4 that the suit sch. property was gifted to the plaintiff and that the plaintiff is in possession of the suit property. As such this issue goes in favour of the plaintiff against the defendants.

9. ISSUE NO:2:-

In view of the discussion at Issue No.1, and finding of Exs. A1 to 4 wherein the property has been gifted to the plaintiff and the plaintiff is entitled to the declaratory title and permanent injunction against the defendants. Since the defendants failed to appear before this court nor place oral evidence nor submit any documents to contradict the claim of the plaintiff. As such this issue goes in favour of the plaintiff against the defendants.

10. FINAL ORDER:-

In the result suit is decreed with costs as prayed for.

Dictated to the Steno-typist, transcribed by him, corrected and pronounced by me in the open court, on this the 6th day of Aug, 91.

[Signature]
Prj. Subordinate Judge,
R.R. Dist.
6/8/91

Appendix of Evidence
Witnesses examined

For Plaintiff
P.M. Ashok Chakravarthi
Exhibits Marked

For Defendants
nil

Exs. A1 to 3 are the real sale deeds
Ex. A4 is the gift deed

[Signature]
Prj. Subordinate Judge,
R.R. Dist.
6/8/91

3409
13.8.91
26.8.91
27.8.91
9/2/9.55 91-
28.8.91

READ
COMM

[Handwritten mark]