

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

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

Dated: This the 6th day of Aug, 91.

O.S.No.74/85

Between:-
Gurudev Sidhapeeth, ..Plaintiff.

and

V.Narsemma and others, ..Defendants.

This suit is coming on 8.7.91 for final hearing before me in the presence of Sri C.Balgopal, Advocate for the plaintiff, and of Sri N.Ramachandrarao, Advocate for the defendants, and the matter having stood over for consideration till this day, the court delivered the following:-

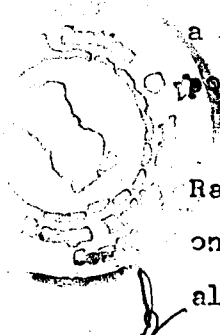
J U D G M E N T

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

2. The averments set out in the plaint in brief as follows;

The plaintiff is the owner of the land, admeasuring 7848.55 sq.yds situated at Begumpet vg, Vallabh Nagar Tq. R.R. Dist. in S.No.37 and 38. Originally the said land belongs to one Sivaiah and 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.22.5.58, later the property was again sold by Macherla Veerathadra rao to three purchasers by virtue of a registered sale deed dt.1.4.61 by a sale deed dt.6.11.64, the property was conveyed to Smt.Kusum Ben Modi, who in turn settled the land in favour of the plaintiff by a Deed of Gift Settlement dt.7.7.75. Thus the plaintiff is in possession and title of the suit property for more than 40 years.

3. The defendants claiming to be the legal heirs of one Ramaiah filed a suit in O.S.458/84 on the file of this court against one Wasif Azam and another for the relief of injunction, wherein alleged that late Ramaiah was a protected tenant in respect of



1/2/11

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 suit land. The defendants having no right or title in respect of the land. The defendants threatening to interfere with the possession of the plaintiff. The defendants are also trying to sell the said land to third parties since the plaintiff is in possession and enjoyment of the suit 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 WS denying the allegations made in the plaint, they also denied that the plaintiff is the owner of the land comprising of the entire S.No.37 Mm.Ac.1.35gts bearing S.No.37 situated at Begumpet vg. The defendants submitted an application before the Tahsildar for the grant of protected tenancy certificate in their favour as the legal heirs of Ramaiah. 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.Ramaiah, on 23.8.84 came to the conclusion that the defendants alone are the legal heirs of the deceased tenant V.Ramaiah granted succession certificate through his proceedings No.D.Dis.No. B/3331/84, dt.24.12.84 as per the provisions of Sec.40(2) of the A.P. Telangana Area Tenancy and Agricultural Lands Act, 1950. The Ramaiah continued in possession and enjoyment of the suit land. As such the plaintiff nor their vendor having any title in respect 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 I.A.1307/84 for interim injunction, it has been granted and was made absolute. In view of the above the plaintiff having no right in the suit sch. property they cannot claim declaration nor perpetual injunction against

1/3//

these defendants.

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

- 1) Whether the plaintiff is the owner and ~~XXXXXX~~ 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 Azam under a registered sale deed vide Ex.A1, who in turn sold the suit properties to one M.Veerabhadra Rao under registered sale deed vide Ex.A2. Veerabhadrarao 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 Siddh-peeth as such the plaintiff is in possession of the suit sch.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 adduce their evidence inspite of adjourning the suit for cross-examination of PW1 finally. The cross-examination of PW1 by the defendants are forfeitted and potted for defendant evidence to 8.7.91 on 8.7.91 also the defendants and their counsel called absent no

representation, the oral evidence of the defendants are forfeitted
Since the defendants failed to appear ^{before} the court adducing oral
evidence to contradict the oral evidence and the documentary 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 infavour of the plaintiff
against the defendants.

9. ISSUE NO:2:-

Inview of the discussion at Issue No.1, and inview of
the Exs.A1 to 4 wherein the property has been gifted to the plaintiff,
as such the plaintiff is entitled to the declaration title and
permanent injunction against the defendants. Since the defend-nts
are failed to appear before this court nor aduce oral evidence nor
marked any documents to contradict the claim of the plaintiff. As
such this issue goes infavour of the plaintiff against the defend-nts.

10. ISSUE NO3:-

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
13th day of Aug, 91.



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

Appendix of Evidence
Witnesses Examined

For Plaintiff
PW1 P. Ashok Chakravarthi

For Defendants
nil

Exhibits Marked

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

nil

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

OFFICE OF THE DISTRICT
COMMISSIONER
R.R. DIST.
D.O. NO. 1094/05
*CNR/-
Admission of title on: 21-6-05
Admission of title on: 2-7-05
Admission of title on: 2-7-05
Admission of title on: 4/7/05
Admission of title on: 8-7-05
Dated: 6/8/91
[Signature]
District Commissioner
R.R. District

RECORDED
Dated: 6/8/91
Dated: 6/8/91
[Signature]