

**DECREE IN ORIGINAL SUIT**

**IN THE COURT OF SPECIAL SESSIONS JUDGE FOR TRIAL OF CASES  
UNDER SCs & STs (POA) ACT, 1989 CUM VII ADDL. DISTRICT AND  
SESSIONS JUDGE, RANGA REDDY DISTRICT AT L.B.NAGAR.**

**PRESENT: - SRI K.SREENIVASA RAO  
SPL. SESSIONS JUDGE FOR TRIAL  
OF CASES UNDER SC's & ST's (POA) ACT, 1989,  
CUM VII ADDL. DISTRICT & SESSIONS JUDGE,  
RANGA REDDY DISTRICT AT L.B.NAGAR.**

**Dated this the 28<sup>th</sup> day of October, 2016**

**OS.No.551 OF 2011**

**BETWEEN:-**

1. Varikoppula Ramaiah, S/o. Late V. Mallaiah,  
Aged 77 years, R/o. Bodangiparthi village,  
Chandur Mandal, Nalgonda District – A.P. (Died)
2. Varikoppula Yellamma W/o. W. Ramaiah,  
Aged 75 years, R/o. Bodangiparthi village,  
Chandur Mandal, Nalgonda District – A.P.
3. Varikoppula Anjaiah, S/o. V. Ramaiah,  
Aged 60 years, R/o. Bodangiparthi village,  
Chandur Mandal, Nalgonda District – A.P.
4. Varikoppula Narsimha S/o. V. Ramaiah,  
Aged 57 years, R/o. Bodangiparthi village,  
Chandur Mandal, Nalgonda District, A.P.
5. Varikoppula Iddaiah S/o. V. Ramaiah,  
Aged 47 years, R/o. Bodangiparthi village,  
Chandur Mandal, Nalgonda District – A.P.
6. Varikoppula Yadagiri S/o. V. Ramaiah,  
Aged 38 years, R/o. H.No. 3-5-164,  
Near Water Tank, Narayanaguda, Hyderabad – A.P.
7. Smt. Orsu Parvathamma, Orsu Bheemaiah,  
Aged about 56 years, Nermetta village,  
Chandur Mandal, Nalgonda District.

(Added as 7<sup>th</sup> plaintiff as per orders dated 26-06-2014 in IA.No. 1835 of  
2014)

**...Plaintiffs.**

**AND**

1. Varikoppula Narsamma, W/o. Not known,  
Aged 77 years, R/o. H.No. 1-4-485, Basheerabad  
Village and Mandal, R.R.District.



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2. V. Laxman S/o. Not known, aged 52 years,  
R/o.H.No. 1-4-485, Basheerabad village  
And Mandal, R.R.District.
3. V. Yadagiri, S/o. Not known, aged 48 years,  
R/o. H.No. 1-4-485, Basheerabad village and  
Mandal, R.R.District.
4. Suresh Bajaj S/o. Paramanand Bajaj,  
Aged about 52 years, R/o. H.No. 8-2-210/B/A,  
Road No. 14, Banjara Hills, Hyderabad.
5. Satish Modi, S/o. Manilal Modi, aged 67 years,  
R/o. H.No. 1-8-167, Sarojini Devi Road,  
Secunderabad.
6. State of AP., rep by District Collector,  
R.R.District at Hyderabad.
7. Dy. Collector/Tahsildar, Balanagar,  
R.R.District.
8. Soham Satish Modi, S/o. Late Satish Modi,  
Major, R/o. H.No. Plot No. 280, Road No. 25,  
Jubilee Hills, Hyderabad.
9. Sourabh Satish Modi, S/o. Late Satish Modi,  
Major, R/o. H.No. Plot No. 280, Road No. 25,  
Jubilee Hills, Hyderabad.

(Defendants 8 and 9 are added as legal heirs of deceased 5<sup>th</sup> defendant as per Orders in IA.No.181 of 2016, dated 19-02-2016)

...Defendants.

**Claim:-**This Suit is filed for declaration that the 1<sup>st</sup> plaintiff was alive as on the date of filing of the suit and 2<sup>nd</sup> plaintiff is the wife of 1<sup>st</sup> plaintiff and plaintiffs 3 to 7 are their children, instead of plaintiffs 3 to 6 and for declaration that the claim of defendants 1 to 5 that the 1<sup>st</sup> plaintiff is dead and no more and they are the legal heirs of the 1<sup>st</sup> plaintiff, is fraud and any such claim in any proceedings and/or documents created by defendants 1 to 5 are null and void and not binding on the plaintiffs and for consequential injunctions against defendants 1 to 5, in any manner interfering with the 1<sup>st</sup> plaintiff's property for legal entitlement under any law, in any manner.

**Valuation and Court Fee:-** The Suit is valued at Rs.10,10,100/- and the court fee of Rs.12,637/- is paid herewith under Sec.24 (d) and 26 (c) of APCF and SV Act.

Plaint filed on 05-08-2011

Numbered on 05-08-2011

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This Suit coming before me for final hearing and disposal in the presence of Sri. M. Shivanand, Advocate for the Plaintiffs and Defendant No.2 to 4 and 7 were remained ex parte and of Sri. C. Balgopal, Counsel for the Defendant No.8 and of Sri M. Papa Reddy, Counsel for the Defendant No.9 and having stood over for consideration, this Court doth order and decree as follows:-

1. That the suit of the plaintiffs be and the same is hereby dismissed.
2. That there is no order as to costs.

Given under my hand and the seal of the court on this the 28<sup>th</sup> day of October, 2016.

*W Rao*

SPL. SESSIONS JUDGE FOR SC & ST -  
CUM- VII ADDL. DISTRICT & SESSIONS JUDGE  
RANGA REDDY DISTRICT

**MEMO OF COSTS**

	For plaintiffs	For Defendants No.2 to 4 and 7	For Defendant No.8	For Defendant No.9
1. Stamp on plaint	Rs. 12637=00	-	-	-
2. stamp on power	Rs. 2=00	Rs. 2=00	Rs. 2=00	Rs. 2=00
3. Stamp on exhibits	-	-	-	-
4. Stamp on process	Rs. 900=00	-	-	-
5. Advocate Fee	-	-	-	-
6. Publication charges	-	-	-	-
7. Commisser fee	-	-	-	-
<b>TOTAL</b>	<b>Rs. 13539=00</b>	<b>Rs. 2=00</b>	<b>Rs. 2=00</b>	<b>Rs. 2=00</b>

*W Rao*

SPL. SESSIONS JUDGE FOR SC & ST -  
CUM- VII ADDL. DISTRICT & SESSIONS JUDGE  
RANGA REDDY DISTRICT

COURT OF THE DISTRICT &  
SESSIONS JUDGE  
Ranga Reddy District.

C. A. No. 26901 of 2016  
Application filed on: 2/11/16  
Charge sheet on: 22/11/16  
Charges Deposited on: 22/11/16  
Receipt No. 12635/16 Rs.: 88/-  
Copy made on: 24/11/16  
Copy delivered on:

*C. Suman*  
Superintendent  
Central Copying Superintendent  
Ranga Reddy District

MADE BY: *R*  
COMPARED BY: *R*  
Certified to be Xerox True Copy  
*C*  
Copyist Superintendent

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**IN THE COURT OF SPL. SESSIONS JUDGE FOR TRIAL OF CASES UNDER  
SC/ST(POA) ACT 1989- CUM- VII ADDITIONAL DISTRICT & SESSIONS  
JUDGE: AT L B NAGAR :RANGA REDDY DISTRICT**

**PRESENT: - SRI K.SREENIVASA RAO.,**  
SPL. SESSIONS JUDGE FOR TRIAL  
OF CASES UNDER SC&ST (POA) ACT,  
CUM VII ADDL. DIST. & SESSIONS JUDGE,  
RANGA REDDY DISTRICT.

Dated this the 28<sup>th</sup> day of October, 2016.

**O.S.No. 551 of 2011**

**BETWEEN:-**

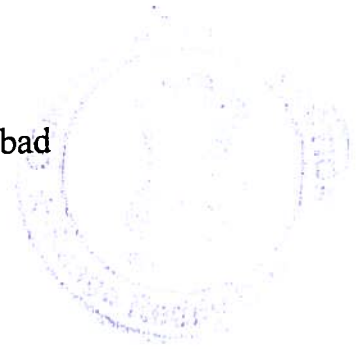
1. Varikoppula Ramaiah, S/o. Late V. Mallaiah,  
Aged 77 years, R/o. Bodangiparthi village,  
Chandur Mandal, Nalgonda District – A.P. (Died)
2. Varikoppula Yellamma W/o. W. Ramaiah,  
Aged 75 years, R/o. Bodangiparthi village,  
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3. Varikoppula Anjaiah, S/o. V. Ramaiah,  
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4. Varikoppula Narsimha S/o. V. Ramaiah,  
Aged 57 years, R/o. Bodangiparthi village,  
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5. Varikoppula Iddaiah S/o. V. Ramaiah,  
Aged 47 years, R/o. Bodangiparthi village,  
Chandur Mandal, Nalgonda District – A.P.
6. Varikoppula Yadagiri S/o. V. Ramaiah,  
Aged 38 years, R/o. H.No. 3-5-164,  
Near Water Tank, Narayanaguda, Hyderabad – A.P.
7. Smt. Orsu Parvathamma, Orsu Bheemaiah,  
Aged about 56 years, Nermetta village,  
Chandur Mandal, Nalgonda District.

(Added as 7<sup>th</sup> plaintiff as per orders dated 26-06-2014 in IA.No. 1835 of 2014)

**...Plaintiffs.**

**AND**

1. Varikoppula Narsamma, W/o. Not known,  
Aged 77 years, R/o. H.No. 1-4-485, Basheerabad  
Village and Mandal, R.R.District.



2. V. Laxman S/o. Not known, aged 52 years,  
R/o.H.No. 1-4-485, Basheerabad village  
And Mandal, R.R.District.
3. V. Yadagiri, S/o. Not known, aged 48 years,  
R/o. H.No. 1-4-485, Basheerabad village and  
Mandal, R.R.District.
4. Suresh Bajaj S/o. Paramanand Bajaj,  
Aged about 52 years, R/o. H.No. 8-2-210/B/A,  
Road No. 14, Banjara Hills, Hyderabad.
5. Satish Modi, S/o. Manilal Modi, aged 67 years,  
R/o. H.No. 1-8-167, Sarojini Devi Road,  
Secunderabad.
6. State of AP., rep by District Collector,  
R.R.District at Hyderabad.
7. Dy. Collector/Tahsildar, Balanagar,  
R.R.District.
8. Soham Satish Modi, S/o. Late Satish Modi,  
Major, R/o. H.No. Plot No. 280, Road No. 25,  
Jubilee Hills, Hyderabad.
9. Sourabh Satish Modi, S/o. Late Satish Modi,  
Major, R/o. H.No. Plot No. 280, Road No. 25,  
Jubilee Hills, Hyderabad.

(Defendants 8 and 9 are added as legal heirs of deceased 5<sup>th</sup> defendant as per Orders in IA.No.181 of 2016, dated 19-02-2016)

...Defendant.

This Suit coming before me for final hearing and disposal in the presence of Sri. M. Shivanand, Advocate for the Plaintiffs and Defendant No.2 to 4 and 7 were remained exparte and of Sri. C. Balgopal, Counsel for the Defendant No.8 and of Sri M. Papa Reddy, Counsel for the Defendant No.9 and having stood over for consideration, the Court delivered the following:

### JUDGMENT

1. This suit is filed:

- a) For a declaration that the 1<sup>st</sup> plaintiff was alive as on the date of filing of the suit and 2<sup>nd</sup> plaintiff is the wife of 1<sup>st</sup> plaintiff and plaintiffs 3 to 7 are their children, instead of plaintiffs 3 to 6.
- b) For a declaration that the claim of defendants 1 to 5 that the 1<sup>st</sup> plaintiff is dead and no more and they are the legal heirs of the 1<sup>st</sup> plaintiff, is fraud and any such claim in any proceedings and/or documents created by defendants 1 to 5 are null and void and not binding on the plaintiffs.
- c) For a consequential injunctions against defendants 1 to 5, in any manner interfering with the 1<sup>st</sup> plaintiff's property for legal entitlement under any law, in any manner.

2. Though the 1<sup>st</sup> plaintiff is alive and kicking till this date and though he is able bodied and he is cultivating his land at Hyderabad and Bodangiparthi Village, Chandur Mandal, Nalgonda District, where he is presently living, the defendants seem to have a grandiose plan to knock away the 1<sup>st</sup> plaintiff's legal entitlements and property by resorting to a false claim that the 1<sup>st</sup> plaintiff is dead and is no more.

3. Recent enquiries revealed that the defendants, who have no qualm about truth, have approached Courts and Tribunals with a claim that the 1<sup>st</sup> plaintiff is dead and they are the legal heirs of the 1<sup>st</sup> plaintiff. Defendants 1 to 5 are in no way connected with plaintiffs and their family and most of the litigation being collusive shadow boxing inter se defendants 1 to 5 and it is meant to indirectly cause loss to the 1<sup>st</sup> plaintiff. Though, none of the plaintiffs are parties to such litigation, the result of that litigation, do not bind them. Plaintiffs are in dark at the neon that 1<sup>st</sup> plaintiff is dead and

the succession is open in favour of the fraudsters, defendants 1 to 5 herein, who are strangers to plaintiff's family.

4. Defendants 6 and 7 are added as pro-forma defendants as it is alleged that some records are being manipulated in connivance with the revenue officers of Ranga Reddy District.

5. Defendant No.1 died. Defendant No.5 is his LR. Defendant No.5 also died. Defendant No.2 to 4 and defendant No.7 remained exparte.

6. Defendant No.4 filed written statement that he has never claimed at any point of time to be the LR of plaintiff No.1 before any court, tribunal or statutory authority. In fact various proceedings were initiated by defendants 1 to 3 and others including proceedings under AP.Land Grabbing (Prohibition) Act against defendant No.4 and others and the defendant No.4 contested the said proceedings. There is therefore, no question of collusion between the defendant No.4 and defendants No.1 to 3. The plaintiffs are put to strict proof that plaintiffs 3 to 6 are children of plaintiffs 1 and 2.

7. Defendants No.1 to 3 as LRs of plaintiff No.1 had filed suit against Gurudev Siddapeet. They appointed one Mr. P. Sudershan as their GPA who initiated various proceedings against Siddapeet. Said P. Sudershan had received huge amount from the defendant No.4 under the threat of foisting false litigations. In fact there is no cause of action against the defendant No.4 and the plaintiffs have filed the present suit against the defendant No.4 only with an intention to harass and blackmail him. The allegation that most of the litigation being collusive shadow boxing inter-se defendants 1 to 5 is incorrect and false. The allegation that the result of



litigations do not bind the plaintiffs is incorrect and false. The allegation that the plaintiffs are in dark at the neon that 1<sup>st</sup> plaintiff is dead is incorrect and false.

8. Written statement was filed by defendant No.5 stating that he has never claimed to be the LR of plaintiff NO.1 in any court of Tribunal or before any statutory authority. On the contrary, the defendant No.5 had to defend various proceedings instituted by defendant No.1 to 3 claiming to be the heirs of the first plaintiff. The defendant No.5 never colluded with defendant No.1 to 3 but on the other hand vigorously contested the proceedings initiated on behalf of defendant No.1 to 3.

9. The defendant No.1 to 3 claiming to be the LRs of plaintiff NO.1 instituted a false suit against Gurudev Siddpeet, a religious institution. They purported to appoint one P. Sudarshan as their GPA. He instituted various proceedings against the Siddapeet and ultimately received huge amounts from the defendant No.5, under the threat of the litigation. The suit is vague in particulars. The plaintiff has not mentioned the documents on the proceedings which are being challenged by him now.

10. Defendant No.8 filed adoption memo adopting the written statement of defendant No.5.

11. Defendant No.9 filed written statement that defendant No.5 never claimed at any point of time to be the LR of V. Ramaiah before any court, tribunal or statutory authority. In fact various proceedings were initiated by defendants 1 to 3 and others including proceedings under AP Land Grabbing (Prohibition) Act against defendant No.4 and others and

defendant No.4 contested the said proceedings. There is therefore, no question of collusion between defendants 1 to 3 & defendants 4 & 5 inter-se. The plaintiffs are put to strict proof that plaintiffs 3 to 6 are children of plaintiffs 1 and 2.

12. Defendants No. 1 to 3 as LRs of V. Ramaiah had filed suit against Gurudev Siddapeet. They appointed one Mr. P. Sudershan as their GPA who initiated various proceedings against Gurudev Siddapeet. Said P. Sudershan had received huge amount from defendants 4 & 5 under the threat of foisting false litigations. In fact there is no cause of action against defendants No.5, 8 and 9 and the plaintiffs have filed the present suit against them only with an intention to harass and blackmail them. The allegation that most of the litigation being collusive shadow boxing inter-se defendants 1 to 5 is incorrect and false. The allegation that the result of litigations do not bind the plaintiffs is incorrect and false. The allegation that the plaintiffs are in dark at the neon that 1<sup>st</sup> plaintiff is dead is incorrect and false. The deceased defendant No.5 never claimed any independent title over the property at Begumpet and in fact the said property belong to Gurudev Siddapeet. In the circumstances the defendant No.9 is not a necessary party to the present proceedings as legal heir of deceased defendant No.5. In fact the plaintiffs had no concern whatsoever with the property at Begumpet belonging to Gurudev Siddapeet.

13. Basing on the pleadings of both parties, the following issues are settled for trial.

- 1) Whether the plaintiffs are entitled for declaration that the first plaintiff is alive as on the date of filing of the suit and the second plaintiff is wife and the plaintiff No.3 to 6 are their children as prayed?
- 2) Whether the plaintiffs are entitled for declaration that claim of defendant No.1 to 5 that first plaintiff is dead, they are legal heirs of the first plaintiff is fraud and in such in claim any proceedings documents created by defendant No.1 to 5 are null and void and not binding on the plaintiff as prayed for?
- 3) Whether the plaintiffs are entitled for consequential injunction as prayed for?
- 4) To what relief?

14. On behalf of the plaintiffs, PW1 to PW3 were examined and Ex.A1 to A34 were marked. On behalf of the defendants, DW1 and DW2 were examined and Ex.B1 to B12 were marked.

15. Heard the arguments. Written arguments are filed by the plaintiffs.

**16. Issue No.1 and 2:-**

Plaintiff No.1 V. Ramaiah (first plaintiff). But Exs. A1 to A5 cash receipts issued by Nagarjuna Grameena Bank and Farmer Service Co-operative Society are in the name of V. Ramulu (not plaintiff). Exs. A6 to A10, A12 receipts are issued by Co-operative Credit Society, Ex.A11 voter ID, Ex.A13 notice, Ex.A14 notice, Ex.A15 tax receipts are issued in the name of V. Ramulu (not plaintiff). While so Ex.A16 pahani, Ex.A28 to A31 and Ex.A33 tax receipts contain the name of V. Ramaiah. Ex.A32 tax receipt and

Ex.A34 IB copy issued are in the name of Yallamma wife of Ramulu. Ex.A20 pattadar pass book issued by MRO, Ex.A21 pattadar pass book issued are in the name of V. Ramulu (not plaintiff). Ex.A27 data sheet cum adjustment bill issued is in the name of one V.Ch. Ramulu (not plaintiff).

17. The suit is filed for declaration that the claim of defendants NO.1 to 5 that the 1<sup>st</sup> plaintiff is dead and no more and they are the legal heirs of the 1<sup>st</sup> plaintiff, is fraud and any such claim in any proceedings and/or documents created by defendants No.1 to 5 are null and void and not binding on the plaintiffs.

18. However PW1 testified that he does not know the defendant No.4 and 5. He does not know whether defendants No.4 and 5 claimed to be the legal heirs of PW1. He does not know whether Narsamma filed a case. PW1 stated that he cannot identify Suresh Bajaj (defendant No.4) and he never met him. If that is so, it is not known on what basis the plaintiffs want the declaration that the claim of defendants No.1, 5 that the 1<sup>st</sup> plaintiff is dead and no more and they are the legal heirs of the 1<sup>st</sup> plaintiff, is fraud and any such claim in any proceedings and/or documents created by defendants No.1 to 5 are null and void and not binding on the plaintiffs.

19. PW2 is plaintiff No.6. He stated that his father V. Ramaiah alias Ramulu is alive even till today. But there is no plaint in the present suit that was filed in the name of V. Ramaiah alias Ramulu. Now PW2 introduced V. Ramaiah alias Ramulu. He stated that the pattadar passbooks and other documents of himself and his brother are filed. Already there is above discussion regarding the names mentioned in the said documents. Even PW2

also does not know defendant No.5 Satish Modi. Therefore, there is no basis for the plaintiffs to claim declaration mentioned above. He does not know whether any other person than their family members claimed as legal heirs of his father in any court. Therefore, there is no basis for the claim of plaintiffs that they want declaration that the claim of defendants NO.1 to 5 that the 1<sup>st</sup> plaintiff is dead and no more and they are the legal heirs of the 1<sup>st</sup> plaintiff, is fraud and any such claim in any proceedings and/or documents created by defendants No.1 to 5 are null and void and not binding on the plaintiffs. PW1 stated that he is resident of Badangiparthi village. On the contrary, PW2 denied that they are living in the village for the last 70 years.

19. PW3 is the second plaintiff who stated that she is the wife of first plaintiff and that he expired on 02-04-2014 at their village Badangiparthi. According to her, she married first plaintiff after independence of Telangana i.e., after Rajakar movement and they stayed at Begumpet, Hyderabad for 10 to 15 years. PW3 does not know on whose instructions her evidence affidavit was prepared. Therefore, there is no evidentiary value to the chief examination affidavit filed on behalf of PW3. PW3 also does not know whether the documents filed by first plaintiff reflects the name of Ramulu and nowhere they reflect the name of Ramaiah. She clarified that her husband is Ramulu. However, it is already seen that Ex.A16, A28 to A31, A33 contained the name of V. Ramaiah.

20. The plaintiff also wants a declaration that the 1<sup>st</sup> plaintiff was alive as on the date of filing of the suit and 2<sup>nd</sup> plaintiff is the wife of 1<sup>st</sup>

plaintiff and plaintiffs No.3 to 7 are their children, instead of plaintiffs No.3 to 6.

21. No proof was filed by PW3 that she married PW1 after Rajakar movement and they stayed at Begumpet, Hyderabad for 10 to 15 years. In fact she does not know on whose instructions her evidence affidavit was prepared. Actually her evidence affidavit shall be prepared on her own instructions. There is no evidence by PW3 that the same was prepared on her instructions. Due to these reasons and the reasons mentioned above, it is not possible to declare that the second plaintiff (PW3) is the wife of first plaintiff. In this connection, however the learned plaintiffs counsel cited in *Bibhabati Devi Vs Ramendra Narayan Roy* on 30<sup>th</sup> July, 1946, Bombay High Court ((1947) 49 BOMLR 246) to the following effect:

*"1. This is an appeal by special leave from a decree of the High Court of Judicature at Fort William in Bengal, dated November 25, 1940, dismissing an appeal against a decree of the First Additional District Judge, Dacca, dated August 24, 1936.*

*2. The present suit was instituted in the Court of the First Subordinate Judge at Dacca on July 24, 1930, by the respondent Kumar Ramendra Narayan Roy (hereinafter referred to as the plaintiff) against the present appellant and others. In the plaint, as subsequently amended on April 15, 1931, the plaintiff sought (ka 1) a declaration that he is Kumar Ramendra Narayan Ray, the second son of the late Rajah Rajendra Narayan Roy of Bhowal and (ka 1), that his possession should be confirmed in respect of the one-third share of the properties described in the schedule, or, if from the evidence and under the circumstances plaintiff's*

*possession thereof should not be established, then possession thereof should be given to him. He further asked for injunctions against obstruction to his possession. The present appellant filed a written statement denying, inter alia, the identity of the plaintiff with Kumar Ramendra Narayan Roy (hereinafter referred to as the Second Kumar), and alleging that the suit, was barred by limitation. Issues were adjusted, and those now relevant are,*

- 3. Is the suit barred by limitation?*
- 4. Is the Second Kumar Ramendra Narayan Roy alive?*
- 5. Is the present plaintiff the Second Kumar Ramendra Narayan Roy of Bhowal?*

*After a very long trial lasting for 608 days, the First Additional District Judge delivered an elaborate and careful judgment in favor of the plaintiff on August 21, 1936, and by his order of the same date he ordered and decreed that it be declared that the plaintiff is the Kumar Ramendra Narayan Roy, the second son of the late Rajah Rajendra Narayan Roy, Zemindar of Bhowal, and that he be put in possession of an undivided one-third share in the properties in suit-the share now in the enjoyment of the first defendant (the present appellant)-jointly with the other defendants possession over the rest.*

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*In this appeal the concurrent finding of facts is as follows: "it is declared that the plaintiff is the Kumar Ramendra Narayan Roy, the second son of the late Rajah Rajendra Narayan Roy, Zamindar of Bhowal." It was for the plaintiff to prove that he is the Second Kumar, and, in order to do so, he had to surmount various tests, any one of which, if he failed to surmount it. Would almost inevitable destroy his*

*whole case. In these circumstances, in the opinion of their Lordships, the appellant was entitled to maintain, as regards any one of such tests, that there were such special reasons as would justify a departure from the practice of the Board. Perhaps the most striking of these tests was whether the Second Kumar in fact died at Darjeeling or survived. If he did die there, that fact would completely negative the plaintiff's case. The seventh proposition above stated is applicable to the circumstances of the present case. With these preliminary observations, their Lordships will proceed to consider the contentions submitted by Mr. Page on behalf of the appellant. A number of these contentions related to subordinate matters of evidence, or that the trial Judge had not sufficiently taken into account particular oral or documentary evidence, or that the Judges who formed the majority in the High Court had not formed their own conclusions on the evidence. These subordinate matters of evidence, even if they might be called important, do not afford any sufficient reason for departure in this case from the practice as above explained by their Lordships, and their Lordships are clearly of opinion that the criticisms of the trial Judge and the Judges of the High Court are quite unjustified. Further, their Lordships are unable to find any defect in these judgments in considering the separate compartments into which the evidence conveniently falls, and carefully considering the inter-relation of such compartments and their reaction on each other. There remain three contentions with which their Lordships find it necessary to deal.*

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*Their Lordships, accordingly, are of opinion that the appeal fails and should be dismissed, and that the decision of the High Court should be affirmed, and they will so advise His Majesty in the very special circumstances of this case, there will be no order as to costs of the appeal."*

22. According to DW1(defendant No.5), defendant No. 1 to 3 claiming to be the LRs of plaintiff No.1 instituted a false suit against Gurudev Siddapeet, a religious institution. They purported to appoint one P. Sudarshan as their GPA. He instituted various proceedings against the Siddpeet and ultimately received huge amounts from DW1, under the threat of the litigation. The suit is vague in particulars. The claimants in any proceedings/documents are created by defendants No.1 to 5 are not disclosed by the plaintiffs. Here DW1 stated that he is never done any transactions with the defendants No.1 to 3 claiming as LRs of plaintiff No.1. According to DW1, originally land in Sy.No. 37 belongs to one Nawab Azam Zung Bahadur acquired in the year 1934 firstly and it is sold to one Macherla Veerabhadra Rao in the year 1958 vide Ex.B1 document of 1958. Ex.B2 is sale deed of 1961 copy. Ex.B3 is another sale deed copy of 1964. DW1 stated that third parties claiming to be the heirs in the property filed several suits against Gurudev Siddapeet and on their family. But burden is not upon the defendants and the burden is on the plaintiffs to establish that they are entitled for declaration. Hence, the deposition of DW1 that he has not made any enquiries whether the first plaintiff is alive or not at any point of time, has no significance.

23. DW2 is defendant No.4. According to him, he was entrusted the work of the development of land in Sy.No. 38 part, Begumpet, Hyderabad by defendant No.5 who are the owners of the same and accordingly he completed the project. He stated that the plaintiff have no right, title or interest in respect of the said property. DW2 opined that the plaintiffs filed the present suit against them only with a view to harass and blackmail them. He stated that they have never claimed as LRs of first plaintiff before any court or tribunal or statutory authority. According to him, the first plaintiff is a fictitious person claiming to be original late V. Ramaiah. On his enquiries he came to know through defendant No.5 that V. Ramaiah was the original person who died. Their enquiry reveals that V. Ramaiah is the right person to the property and as such they dealt with the legal heirs of V. Ramaiah. But it is seen that Ex.A1 to A15, Ex.A20, A21, are in the name of V. Ramulu. DW2 also never saw defendant No.1 to 3.

24. Ex.B4 is gift of settlement of immovable property document No. 1552/1995 dt. 07-07-1975. Ex.B5 is docket order in OS.No. 250/1987, dt. 01-02-1994, Ex.B6 is judgment in OS.No. 228/1987 dt. 30-08-1991, Ex.B7 is docket order in IA.No. 310/1994 in OS.No. 250/1987, dt. 15-07-1994, Ex.B8 is judgment in OS.No. 247/1993 dt. 07-12-1998, Ex.B9 is decree in IA.No. 1659/1997 in OS.No. 247/1993 dt. 02-09-1998, Ex.B10 is docket order in OS.No. 242/1993, dt. 03-12-1998, Ex.B11 order in IA.No. 1853/1997 in OS.No. 242/1993, dt. 02-09-1998 and Ex.B12 is decree in IA No. 1336/1997 in OS.No. 248/1993, dt. 02-09-1998.

25. Defendant No.6 and 7 are District Collector, Ranga Reddy District and Deputy Collector/Tahsildar, Balanagar, R.R.District.

**U/s.80 CPC. Notice.-** (1) Save as otherwise provided in subsection (2), no suit shall be instituted against the Government (including the Government of the State of Jammu and Kashmir) or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to, or left at the office of—

(a) in the case of a suit against the Central Government, except where it relates to a railway, a Secretary to that Government;

(b) in the case of a suit against the Central Government where it relates to a railway, the General Manager of that railway;

(bb) in the case of a suit against the Government of the State of Jammu and Kashmir, the Chief Secretary to that Government or any other officer authorised by that Government in this behalf;

(c) in the case of a suit against any other State Government, a Secretary to that Government or the Collector of the district;

and, in the case of a public officer, delivered to him or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) A suit to obtain an urgent or immediate relief against the Government (including the Government of the State of Jammu and Kashmir) or any public officer in respect of any act purporting to be done by such public officer in his official capacity, may be instituted, with the leave of the court, without

serving any notice as required by sub-section (1); but the court shall not grant relief in the suit, whether interim or otherwise, except after giving to the government or public officer, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the court shall, if it is satisfied, after hearing the parties, that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with the requirements of sub-section (1).

(3) No suit instituted against the government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity shall be dismissed merely by reason of any error or defect in the notice referred to in sub-section (1), if in such notice—

(a) the name, description and the residence of the plaintiff had been so given as to enable the appropriate authority or the public officer to identify the person serving the notice and such notice had been delivered or left at the office of the appropriate authority specified in sub-section (1), and

(b) the cause of action and the relief claimed by the plaintiff had been substantially indicated.

In the present case, no legal notice was issued two months prior to filing of the suit. It is required not only for seeking the relief, but also even for instituting the suit against the Government. Although defendant No.6 and 7 are shown as proforma parties, non-issuance of notice u/s. 80 CPC affects the plaintiffs case.

26. In view of the afore mentioned reasons, it is clear that the plaintiffs are not entitled for declarations and injunctions as prayed.

27. Issue No.1 and 2 are held against the plaintiffs.

**28. Issue No.3:-**

There is no schedule given in the present suit. If that is so, the third relief of consequential injunction against defendants No.1 to 5, in any manner interfering with the 1<sup>st</sup> plaintiff's property or legal entitlement under any law, in any manner, is not possible. When the first plaintiff's property is not disclosed in the plaint, it is not known how injunction is possible in favour of the plaintiffs and their property. PW2 never cultivated any land in Hyderabad and according to him his father cultivated lands in Hyderabad. The details of those lands are not forthcoming. Issue No.3 is held against the plaintiffs.

**29. Issue No.4:-**

In the result, the suit is dismissed. No costs.

Dictated to personal Asst., transcribed by her, corrected and pronounced by me in open Court on this 28<sup>th</sup> day of October, 2016.

*W. Rao*

Spl. Sessions Judge for Trial  
of cases under SCs & STs (POA) Act, cum  
VII Adl. Dist. & Sessions Judge, RR. Dist

**APPENDIX OF EVIDENCE****Witnesses Examined****On behalf of the Plaintiffs:**

PW1 – V. Ramaiah  
 PW2 – V. Yadagiri  
 PW3 – V. Yellamma

**On behalf of the Defendants:**

DW1 – Satish Modi  
 DW2 – Suresh Bajaj

**DOCUMENTS MARKED FOR****On behalf of the Plaintiffs:**

- Ex.A1 – Copy of payment receipt, dt. 03-02-1984  
 Ex.A2 – Copy of payment receipt, dt. 19-06-1982  
 Ex.A3 – Copy of bill card for electricity charges, dt. 04-06-1983  
 Ex.A4 – Copy of cash receipt for the Formers Co-operative Society, dt.18-07-1994  
 Ex.A5 – Copy of cash receipt for the Former Service Co-operative Society, dt.01-01-1996  
 Ex.A6 – Copy of Sahakara Parapati Sangam receipt, dt. 26-12-1978  
 Ex.A7 – Copy of Sahakara Parapati Sangam receipt, dt. 15-06-1978  
 Ex.A8 – Copy of Sahakara Parapati Sangam receipt S.R.No. 76  
 Ex.A9 – Copy of Sahakara Parapati Sangam receipt S.R.No. 46  
 Ex.A10 – Copy of Sahakara Parapati Sangam receipt S.R.No. 35  
 Ex.A11 – Voter ID  
 Ex.A12 – Rythu Sahakara Sangam, dt. 12-09-1979  
 Ex.A13 – Notice dt. 21-11-1979  
 Ex.A14 – Notice dt. 12-12-1987  
 Ex.A15 – Tax receipt No. ATL 8/5 WC23/065  
 Ex.A16 – CC of pahanis for the years 1979-80, 1980-81, 1981-82, 1982-83.  
 Ex.A17 – Memo No. E/443/2008 dt. 21-05-2008 of the Deputy Collector and  
 Tahasildar, Balanagar Mandal, R.R.District.  
 Ex.A18 – Ration card  
 Ex.A19 – Form –I application filed under sub section (1) of Section 8 of AP Land  
 Grabbing (Prohibition) Act, 1982.  
 Ex.A20 – Patta pass book No. 77 (39617) issued by the MRO, Chandur issued in  
 favour of V. Ramaiah @ Ramulu  
 Ex.A21 – Patta pass book No. 77 (39617) issued by MRO, Chandur issued in  
 favour of V. Ramaiah @ Ramulu  
 Ex.A22 – Adhar card No. 6452 3625 3861 of V. Yadagiri  
 Ex.A23 – Household card No. PAP 167442600523 of V. Yadagiri  
 Ex.A24 – Household card No. WAP233800400018 of V. Anjaiah  
 Ex.A25 – Household card No. WAP233800400438 of V. Narsimha  
 Ex.A26 – Household card No. WAP233800400360 of V. Iddaiah  
 Ex.A27 – Data sheet cum adjustment bill from 12/84 to 3/87.  
 Ex.A28 – Tax receipt for the year 1984-88  
 Ex.A29 – Tax receipt for the year 1986-87  
 Ex.A30 – Tax receipt for the year 1986-87  
 Ex.A31 – Tax receipt for the year 1986-87  
 Ex.A32 – Tax receipt for the year 1991-92  
 Ex.A33 – Tax receipt for the year 1984-85  
 Ex.A34 – I.B. Copy

**On behalf of the Defendants:**

- Ex.B1 – Copy of document No. 867/1958
- Ex.B2 – CC of sale deed document No. 659/1961, dt. 01-04-1961
- Ex.B3 – CC of sale deed document No. 1763/1964
- Ex.B4 – Gift of settlement of immovable property document No. 1552/1975 dt. 07-07-1975
- Ex.B5 – Docket order in OS.NO. 250/1987, dt. 01-02-1994
- Ex.B6 – Judgment in OS.NO. 228/1987, dt. 30-08-1999
- Ex.B7 – Docket order in IA.No. 310/1994 in OS.NO. 250/1987 dt. 15-07-1994
- Ex.B8 – Judgment in OS.No. 247/1993 dt. 07-12-1998
- Ex.B9 – Decree in IA.No. 1659/1997 in OS.No. 247/1993, dt. 02-09-1998
- Ex.B10 – Docket order in OS.No. 242/1993, dt. 03-12-1998
- Ex.B11 – Order in IA.No. 1853/1997 in OS.No. 242/1993, dt. 02-09-1998
- Ex.B12 – Decree in IA.No. 1336/1997 in OS.No. 248/1993, dt. 02-09-1998.

*W Rao*

Spl. Sessions Judge for Trial  
of cases under SCs & STs (POA) Act, cum  
VII Addl. Dist. & Sessions Judge, RR. Dist

COURT OF THE DISTRICT  
SESSIONS JUDGE  
Ranga Reddy District

C.A. No. 26901 of 2016  
 Application filed on: 2/11/16  
 Charge sheet filed on: 22/11/16  
 Charge sheet returned on: 22/11/16  
 Receipt No. 12635/16 Re.: 88/-  
 Copy made on: 22/11/16  
 Copy Delivered on: 6/12/16  
*C. Suman*  
 Superintendent  
 Central Copying Superintendence  
 Ranga Reddy District

REMOVED BY:  
 OCCUPIED BY: *R*  
 Not to be used for Xerox/True Copy  
 District Superintendent



26901/16,