

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. Narsamma 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, Vellore 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, measuring 7848.55 sq.yds situated at Begumpet vg, Vellore Nagar Tq. R.R. Dist. in S.No.37 and 38. Originally the said land belongs to one Sivachari 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 Veerabhadra 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 Rameshiah filed a suit in O.S.458/84 on the file of this court against

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 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 ~~are~~ public and verifying himself that the defendants alone are the legal heirs of the deceased protected tenant V.Ramalan, 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 was 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

these defendants.

5. Basing 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 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. 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 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 produce their evidence inspite of adjourning the suit for cross-examination of PW1 finally. The cross-examination of PW1 by the defendants are forfeitted and posted for defendant evidence to 8.7.91

representation, the oral evidence of the defendants are forfeited  
Since the defendants failed to appear <sup>before</sup> 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 in favour of the plaintiff  
against the defendants.

9. ISSUE NO:2:-

In view of the discussion at Issue No.1, and in view 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 defendants  
are failed to appear before this court nor adduce oral evidence nor  
marked any documents to contradict the claim of the plaintiff. As  
such this issue goes in favour of the plaintiff against the defendants.

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  
6th 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

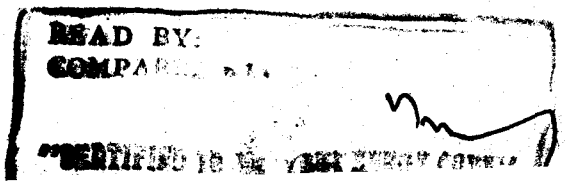
nil



COURT OF THE DISTRICT  
JUDGE  
RANGA REDDY DISTRICT.

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

\*CNR/-; / 3409 109 |  
Filing fee paid on 13.8.91  
Court fees paid on 26.8.91  
Charges deposited on 27.8.91



In the Court of The Principal Subordinate Judge, Range,  
- Reddy District at Sarovar Nagar Hyderabad.

Present: - Sri. S. Sastry, M.A.L.L.B.  
Principal Subordinate Judge,  
Range Reddy District.

Dated this the 15th August 1991

O.S. 74/85

Between

Gurudev Sridharpeth, a charitable and Religious Institution  
formerly known as "Gurudev Ashram" having its registered  
office at Gardeni Grameshpuri, District Thana, represented by its  
Haramat Executive, the Plaintiff Sri Satish Modi s/o late Sri  
Mamital C. Modi aged 40 yrs. P/ at Banjara Hills, Hyderabad

And

1. Vanikappula Narsamma w/o late V. Ramiah, aged about  
51 yrs R/o House no. 1-11-201/20 Begumpet- Hyderabad.
2. Vanikappula Lakshman s/o late V. Ramiah, aged about  
24 yrs R/o H no. 1-11-201/20 Begumpet- Hyderabad.
3. Vanikappula Yadagiri s/o late V. Ramiah aged about 22 yrs  
R/o H no. 1-11-201/20 Begumpet- Hyderabad. .... Defendants.

Claim: - Suit for Declaration and Permanent injunction  
in respect of the Suit Schedule Property bearing Sy no.  
37 and Sy no. 38. in part- admeasuring 7848=55 Sq Yards  
situated at Begumpet village, Vallabh Nagar Taluq  
R.R. Dist.


Valuation: - The Suit is valued at Rs. 30000000 at the rate  
of Rs. 4000 per Sq yards for declaration and consequent  
injunction u/s. 24 (b) and Court fee Part II 20%





# COSTS OF THE SUIT

	<u>For Plaintiff</u>	<u>For defendant</u>
1. Stamp on Plaint - Rs. 40.37 = 00	-	- <span style="border: 1px solid black; padding: 2px;">2 = 00</span>
2. Stamp on Power - Rs. 2 = 00	-	- 2 = 00
3. Stamp on Exhibits - Rs. —	-	-
4. Advocates fee - Rs. 2310 = 00	-	-
5. Service of Process - Rs. 96 = 00	-	-
<b>TOTAL - Rs. 6,445 = 00</b>		<b>2 = 00</b>

  
 Principal Subordinate Judge  
 Range 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 Begumpet village, Vallabhnagar Taluq, Range Reddy District. Bounded ~~on~~ <sup>on</sup> the:-

- NORTH By: Land belonging to Abdul Razak.
- SOUTH By: Dwarakadas Housing Co-op. Society.
- EAST By: Main Road of 30' wide, and.
- WEST By: Dwarakadas Housing Co-op. Society.

**COURT OF THE DISTRICT**  
**PRINCIPAL JUDGE**  
**RANGE REDDY DISTRICT.**

Case No. 3409 of 1991

Plaint filed on: 13.8.91

Summons issued on: 26.8.91

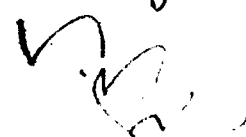
Plaint deposited on: 27.8.91

Summons served on: 28.8.91

Copy submitted on: 29.8.91

U.R. Rajasree  
 28.8.91

Range Reddy District.

  
 Principal Subordinate  
 Judge, Range Reddy Dist.

READ BY:  
 COMMISSIONER

U.R. Rajasree