

IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AT :: KARIMNAGAR..

PRESENT: Smt. M.ARUNA,
Prl. Senior Civil Judge,
Karimnagar.

Wednesday, the 1st day of March, 2023

ORIGINAL SUIT NO. 139 of 2022

Between:

Astapuram Chiranjeevi, S/o. Late Pedda Anjaiah, Aged 39 years, Occ: Business, R/o. H.No.5-8/1/2, Vijayapuri Colony, Rekurthi Village of Kothapally (H) Mandal, Karimnagar District.

.....Plaintiff.

And

1. Astapuram Vikram, S/o. Late Anjaiah @ Pedda Anjaiah, Aged 45 years, Occ: Agriculture, R/o. H.No.4-84/2, Vijayapuri Colony, Rekurthi locality (old village) of Karimnagar Town and District.
2. Astapuram Premala, W/o. Late Astapuram Ramulu, Aged about 45 years, Occ: Household,
3. Astapuram Sidartha, S/o. Late Astapuram Ramulu, Aged about 19 years, Occ: Student,
4. Astapuram Koushik, S/o. Late Astapuram Ramulu, Aged about 17 years (minor), Occ: Student,
The defendant No.4 is minor R/by his natural mother Astapuram Premala i.e., defendant No.2.
All are resident of H.No.5-8/1, Vijayapuri Colony, Rekurthi locality (old Rekurthy Village) of Karimnagar Town and District.

.....Defendants.

This suit is coming before me today for final hearing in the presence of Sri B.Srinivas, Advocate for the Plaintiff and Defendants No.1 to 4 having chosen to remain exparte, and having been heard and having stood over for consideration, the court made the following:

:: J U D G M E N T ::

1. This suit is filed by the plaintiff against the defendants for declaration of title and perpetual injunction.
2. The brief averments of the plaint are as follows:-

The plaintiff is the exclusive owner and possessor of the suit schedule property i.e., open land admeasuring 2205.47 sq. yards in Sy. No.251/A situated at Kothapalli Village and Mandal of Karimnagar District. Originally, one Astapuram Pedda Anjaiah who is father of the plaintiff purchased the land to an extent of Acres 54.73 guntas from its original owner Nayini Gattaiah, S/o. Yellaiah, through registered sale deed vide document bearing No.459/1989 who died long back by leaving his wife by name Laxmi and his sons Ramulu, Vikram and plaintiff, and after death, being they are legal heirs succeeded the property and got it partitioned and allotted the share of 2205.47 sq. yards each out of Acres 54.73 guntas through the registered partition deed document No.4133/2015 dated 27.04.2015 and in that partition the mother of the plaintiff by name Laxmi received Rs.1,00,000/- for extent of her share. Therefore, the defendant No.1 was allotted 2209.98 sq. yards and plaintiff was allotted 2205.47 sq. yards, the other sons also allotted to their respective shares. The mother of the plaintiff died on 21.07.2020 and the elder brother of the plaintiff by name Ramulu died on 04.07.2020. The

defendants No.2 to 4 are the wife and children of Ramulu and recently on 10.10.2022 while levelling the property of P.W.1, the defendant No.1 came and warned labour not to do any work as it belongs to him and also denied the title of the plaintiff. Therefore, as per the partition dated 27.04.2015 the entire property in Sy. No.251/A was partitioned and allotted their respective shares. As such the defendants are no way concerned to the property of the plaintiff, though denying the title of plaintiff. Therefore, suit is filed for declaration of title and perpetual injunction by restraining the defendants from interfering into the peaceful possession and enjoyment of the plaintiff's property.

3. After numbering of the suit, summons served to all the defendants, but they were called absent therefore, they were set *ex parte* and after setting *ex parte*, the plaintiff himself examined as P.W.1 and marked Exs. A1 and A2 and also got examined P.W.2.

4. Heard counsel for the plaintiff and perused the record.

5. Now the point for consideration is:

"Whether the plaintiff is entitled for declaration of title and perpetual injunction as prayed for?"

6. To support the case of the plaintiff, the plaintiff himself examined as P.W.1 and marked Exs.A1 and A2. Ex.A1 is the certified copy of partition

deed vide document bearing No.4133/2015 dated 27.04.2015. Ex.A2 is the encumbrance certificate. Apart from the evidence of P.W.1 and also Exs. A1 and A2, the plaintiff got examined P.W.2 who is third party to the suit. As per the pleadings the father of the plaintiff by name Astapuram Pedda Lingaiah was the owner and who purchased property in Sy. No.251/A to an extent of Acres 54.73 guntas from Nayini Gattaiah through the registered sale deed vide document bearing No.459/1989. But to support this version, the plaintiff not filed the alleged registered sale deed it is alleged to be executed by N.Gattaiah, in favour of Astapuram Pedda Lingaiah in the year 1989, why because the alleged sale deed is the base document to this suit and it is the crucial document to the case of the plaintiff and as per the pleadings the property to an extent Acres 54.73 guntas in Sy. No.251/A it is an agricultural land and it is alleged to be purchased by the A.Pedda Lingaiah in the year of 1989. If it is so, the plaintiff would have filed the pahanies from the date of purchase by the A.Pedda Lingaiah till the date of alleged partition deed i.e., Ex.A1. But from the 1989 till today there is no such document filed by the plaintiff to show that the father of the plaintiff by name A.Pedda Lingaiah, purchased property to an extent of Acres 54.73 guntas from N.Gattaiah and as per the Ex.A2 the property to an extent of Acres 54.73 guntas partitioned in square yards. But when it is an agricultural land how it can be partitioned in square

yards and the plaintiff also no where mentioned that it comes under house site, and the plaintiff not filed any document to show that after execution of Ex.A1 in the year of 2015 their names entered in concerned revenue records, and the defendants who are alleged to be interfered and denied the title of the plaintiff, but the defendants were set exparte but they are the family members of the plaintiff. Therefore, it seems that it is a collusive suit. Therefore the defendants did not appear before this court even after receiving summons and except Ex.A1 there are no link documents filed by the plaintiff to support their claim and the Ex.A2 is encumbrance certificate in which the document under Ex.A1 is only reflecting, but there is no reference with regard to the purchase of Astapuram Pedda Anjaiah and there is no proof of title to the Astapuram Pedda Anjaiah and his vendor. Therefore, as per the discussion above, the plaintiff failed to establish his case, hence this court do not find any reason to pass the judgment in favour of the plaintiff.

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

Dictated to Stenographer, directly on computer on this the 1st day of March, 2023.

Sd/-
PRL. SENIOR CIVIL JUDGE,
KARIMNAGAR.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR THE PLAINTIFF:

P.W.1 Burra Srilatha.
P.W.2 Shanigaram Raju.

FOR THE DEFENDANTS:

---None---

EXHIBITS MARKED

FOR THE PLAINTIFF:

Ex.A1 C.C. of registered partition deed document No.4133/2015
dated 27.04.2015.

Ex.A2 Encumbrance certificate dated 12.10.2022.

FOR THE DEFENDANTS:

---Nil---

Sd/-
PRL. SENIOR CIVIL JUDGE,
KARIMNAGAR.

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