

IN THE COURT OF THE VII ADDL. DISTRICT JUDGE, AT KHAMMAM

Dated this, the 25th day of October, 2017

Present:-Dr.B.Gnaneshwer Rao,
 Spl. Sessions Judge for trial of
 cases under SCs & STs (POA)
 Act-cum-VII Addl. District Judge,
 Khammam.

O.S.No.139 of 2017

BETWEEN:-

Potu Swaroopa Rani, W/o.Dr.Vijay Kumar, Aged about 54 years,
 Occu: House Wife, R/o.Plot No.504, TNR Royal Palace, Saleem
 Nagar Colony, Malakpet, Hyderabad, Ranga Reddy District.

...Plaintiff

And

1. Vasireddy Gandhi, S/o.Narasaiah, Aged about 81 years,
 Occu: Retired Veterinary Surgeon, R/o.H.No.10-5-72/2,
 II Floor, Second Portion, Mamillagudem, Khammam City
 and District.
2. Potu Rahul Chowdary, S/o.Potu Vijay Kumar, Aged about
 33 years, Occu: Advocate, R/o.H.No.10-5-72/2, II Floor,
 Second Portion, Mamillagudem, Khammam City and
 District.
3. Sale Pavan Kumar, S/o. Prasad, Aged about 26 years,
 Occu: Private Employee, R/o.H.No.15-9-395, Road No.7,
 Kaviraj Nagar, Khammam City and District.

...Defendants

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The suit coming before me today for hearing and for disposal in the presence of Sri Beesha Ramesh, Advocate for the plaintiff; the defendant having remained exparte; having stood over for consideration, the court delivered the following:

J U D G M E N T

1. Plaintiff has filed the suit for declaration and a perpetual injunction.

2. The averment of the plaint, in brief, has been as follows.

2.1 Plaintiff is the owner and possessor of the agricultural dry land to an extent of Acs.8-28 gts., in and out of Sy.No.133/1, situate at Bethupalli Revenue Village, Sathupalli Mandal, Khammam District, item No.1 of suit schedule property. It was acquired from defendant No.1 through a registered gift settlement deed bearing document No.1871/2006 of the office of Sub-Registrar, Sathupalli, and through a supplementary deed bearing document No.1914/2006 of the Sub-Registrar, Sathupalli by rectifying typographical

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error. It was after disposing off Ac.41-12 gts. to her son defendant No.2 through a registered gift settlement deed bearing document No.2289/06 of the office of Sub-Registrar, Sathupalli.

2.2 The plaintiff is also the owner and possessor of the agricultural dry land to an extent of Acs.26-00 gts, in and out of Sy. No.133/1 situate at Bethupalli Revenue Village, Sathupalli Mandal, Khammam District, item No.2 of suit schedule property. It was acquired from Dr.Potu Vijay Kumar vide registered sale deed bearing document No.3653/2017 of the office of Sub-Registrar, Sathupalli for a valid sale consideration with all rights therein exclusively. He in turn purchased from Manthena Bosu Raju and Bhupathiraju Uma Rani through a registered agreement of sale cum general power of attorney bearing document No.1420/09 dated 07.05.2009 of the office of Sub-Register, Sathupally, who in turn purchased it from the defendant No.1 through a registered sale deed bearing document No.1908/06, both of the office of Sub-Registrar, Sathupally for a valid consideration with all rights exclusively.

3. Since then the plaintiff has been in continuous, uninterrupted, peaceful possession and enjoyment with all rights exclusively thereon over item Nos.1 and 2 of the suit schedule property from the respective dates. The revenue authorities also mutated the name of defendant No.1, who was the original owner and possessor of the suit schedule property, with all rights therein.

2.3 The defendants hatched a plan to grab the suit schedule property by fabricating false documents in collusion with defendant No.1, who has no interest or right in the suit schedule property. On 01.10.2017, when the plaintiff with the help of labour, prepared the suit schedule property for cultivation by removing the bushes and wild plants, the defendants, under leadership of the defendant No.1, having no manner of right, whatsoever, interfered.

3. Despite service of summons, the defendants have never turned up, and, hence, were set ex parte to the suit.

4. During trial, the plaintiff has examined himself as PW.1 and filed Exs.A.1 to A.16.

5. PW.1, the plaintiff, in his chief examination affidavit, has deposed to the above said averment in the plaint, and filed the above said documents.

6. On a consideration, I find the evidence of PW.1 to have remained unchallenged, inasmuch as the defendants have failed to turn up to the court in response to the summons served on them. The said evidence of PW1, supported by Exs.A.1 to A.16 documents, would prove the case of the plaintiff. Plaintiff is the owner and possessor of the agricultural dry land to an extent of Acs.8-28 gts., in and out of Sy.No.133/1, situate at Bethupalli Revenue Village, Sathupalli Mandal, Khammam District, item No.1 of suit schedule property. It was acquired from defendant No.1 through Ex.A1 registered gift settlement deed bearing document No.1871/2006 of the office of Sub-Registrar, Sathupalli, and through Ex.A2 supplementary deed bearing document No.1914/2006 of the Sub-Registrar, Sathupalli by rectifying typographical error. It was after disposing off Ac.41-12 gts. to her son defendant No.2 through a registered gift settlement deed bearing document No.2289/06 of the office of Sub-Registrar, Sathupalli. The plaintiff is also the owner and possessor of the agricultural dry land to an extent of Acs.26-00 gts, in and out of Sy. No.133/1 situate at Bethupalli Revenue Village, Sathupalli Mandal, Khammam District, item No.2 of suit schedule property. It was acquired from Dr.Potu Vijay Kumar vide registered Ex.A3 sale deed bearing document No.3653/2017 of the office of Sub-Registrar, Sathupalli for a valid sale consideration with all rights therein exclusively. He in turn purchased from Manthena Bosu Raju and Bhupathiraju Uma Rani through Ex.A4 registered agreement of sale cum general power of attorney bearing document No.1420/09 dated 07.05.2009 of the office of

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Sub-Register, Sathupally, who in turn purchased it from the defendant No.1 through Ex.A5 registered sale deed bearing document No.1904/06 and Ex.A6 registered sale deed bearing document No.1908/06, both of the office of Sub-Registrar, Sathupally for a valid consideration with all rights exclusively. Since then the plaintiff has been in continuous, uninterrupted, peaceful possession and enjoyment with all rights exclusively thereon over item Nos.1 and 2 of the suit schedule property from the respective dates. The revenue authorities also mutated the name of defendant No.1, who was the original owner and possessor of the suit schedule property, with all rights therein.

7. In the result, the suit is decreed, with costs, declaring the plaintiff as the absolute owner and possessor of the suit schedule property; and, the defendants are hereby restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

Typed to my dictation, corrected and pronounced by me in the open court on this the 25th day of October, 2017.

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APPENDIX OF EVIDENCE

WITNESSES EXAMINED ON BEHALF OF THE PLAINTIFF

PW-1 Potu Swaroopa Rani ...Plaintiff

WITNESSES EXAMINED ON BEHALF OF THE DEFENDANTS

-NONE-

EXHIBITS MARKED ON BEHALF OF THE PLAINTIFF

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| Ex.A1 | Certified Copy of the gift settlement deed bearing document No.1871/2006, dated 01.08.2006, executed by defendant No.1 in favour of plaintiff (original with defendant No.2) |
| Ex.A2 | Certified Copy of supplementary deed bearing document No.1914/2006, dated 01.08.2006, executed by defendant No.1 in favour of plaintiff (original with defendant No.2) |
| Ex.A3 | Original registered sale deed bearing document No.3653/2017, dated 07.10.2017, executed by Sri Potu Vijay Kumar in favour of plaintiff |

- Ex.A4 Original agreement cum sale cum GPA bearing document No.1420/2009, dated 07.05.2009, executed by Manthena Bosu Raju and Bhupathiraju Uma Rani in favour of defendant No.3
- Ex.A5 Original sale deed executed by the D.1 in favour of the Bhupathiraju Venkata Narasimha Raju, dated 07.08.2016
- Ex.A6 Original sale deed executed by the D.1 in favour of the Manthena Bosu Raju, dated 07.08.2016
- Ex.A7 Certified Copy of the sale deed, dated 05.05.1970, executed in favour of defendant No.1 and others (document impounded).
- Ex.A8 Certified Copy of the relinquish deed, dated 05.05.1970, executed by Sri Jagadam Suryanarayana in favour of defendant No.1 and others (document impounded).
- Ex.A9 Certified Copy of the proceedings of the Assistant Director, SLR, Khammam
- Ex.A10 Certified Copy of the Certificate dated 21.09.2006 issued by the Panchayath Secretary, Gangaram, Sathupalli mandal.
- Ex.A11 Certified Copy of the partition deed of Sri Vasireddy Gandhi and others, dated 08.04.1975 (document impounded)
- Ex.A12 Certified Copy of the certificate issued by Mandal Revenue Officer, Sathupalli, dated 26.06.2006.
- Ex.A13 Certified Copy of the pahani for the years 1975-76 to 1980-81.
- Ex.A14 Certified Copy of the pahani for the years 1981-82 to 1991 to 92.
- Ex.A15 Certified Copy of the pahani for the years 2007-08 to 2009-10.
- Ex.A16 Original Market Value Certificate

EXHIBITS MARKED ON BEHALF OF THE DEFENDANTS

- NIL -

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