

**IN THE COURT OF THE II ADDITIONAL JUNIOR CIVIL JUDGE,
R.R. DISTRICT AT L.B.NAGAR**

Present: **Smt.V.Madhavi Latha,**
II Addl. Junior Civil Judge,
R.R. District, L.B.Nagar

Thursday, the 31st day of March, 2016

Original Suit No. 654 of 2015

Between:

Rafiya Fathima W/o.Syed Mehdi,
D/o.Gafoorunnisa Begum (Pattadar),
Aged about 52 years, Occupation: Household,
Resident of H.No.16-2-20, Safia Trust Board,
Saifabad, Hyderabad.
Rep. by its GPA holder Syed Muzammil,
S/o.Late Syed Muzaffaruddin,
Aged about 38 years, Occupation: Business,
Resident of H.No.18-8-589/50, Kumarwadi Colony,
Idi Bazaar, Hyderabad. ... Plaintiff

AND

- 1) Sabiha Khatoon
D/o.Mohammed Khaizar Khan Saheb,
aged about 28 years, Occupation: Student,
Resident of H.No.1-10-178, Begumpet,
Secunderabad.
- 2) Naushu M.A.Khan S/o.Mahboob Ali Khan,
aged about 39 years, Occupation: Employee,
Resident of H.No.1-10-178, Begumpet,
Secunderabad.
- 3) Khusro M.A.Khan S/o.Mahboob Ali Khan,
aged about 53 years, Occupation Not known,
Resident of H.No.1-10-178, Begumpet,
Secunderabad.
- 4) Mukhta Pentaiah S/o.M.Kuchaiah,
aged about 52 years, Occupation: Agriculture,
Resident of Rain Bazar, Hyderabad.
- 5) M.Ravi Kumari, W/o.M.Anjaiah,
aged about 24 years, Occupation: Household,
Resident of Rain Bazar, Hyderabad. ... Defendants

This suit is coming before me on this day for final hearing in the presence of Sri.Arun Kumar Hotkar, learned counsel for the Plaintiff and the defendants having remained exparte and upon hearing the counsel for plaintiff, perusal of the material on record and the matter having stood over for consideration till this day, this court delivered the following:

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

This is a suit for cancellation of registered general power of attorney vide doc.No.9/1973 executed by defendant No.1 and 2 in favour of defendant No.3 and for declaration of registered sale deed document No.6357/1980 dt.12-6-1980 executed by defendant No.3 in favour of defendant No.4 pertaining to the land in survey No.208, admeasuring Ac.1-18 gts. and land in survey No.209 admeasuring Ac.2-10 gts., situated a Karmanghat Village, Taluq East Rangareddy District as null and void and also to declare the registered sale deed doc.No.7331/1980 dt.28-7-1980 executed by defendant No.3 in favour of defendant No.5 pertaining to land in survey No.210, admeasuring Ac.2-00 gts., situated at Karmanghat Village, Taluq East Rangareddy District as null and void and not binding on the plaintiff.

2) The case of the plaintiff is that, originally the land admeasuring Ac.1.24 gts. in Sy.No.207; land admeasuring Ac.1.18 gts. in Sy.No.208; land admeasuring Ac.2.10 gts. in Sy.No.209; land admeasuring Ac.1.35 gts. in Sy.No.210; land admeasuring Ac.1.09 gts. in Sy.No.211; land admeasuring Ac.1.24 gts. in Sy.No.212; land admeasuring Ac.1.03 gts. in Sy.No.213; situated at Karmanghat Village, Saroornagar Mandal, R.R.District belonging to Gafoorunnisa Begum. Gafoorunnisa Begum died leaving behind her only adopted daughter i.e. plaintiff herein. The certified copy of Kasara Pahani in the year 1954-55 and pahani for the years 1973-74, 1974-75 shows that the said Gafoorunnisa Begum is the pattedar. That the plaintiff became the absolute owner of the above said property by virtue of the Hiba Nama executed by the original pattadar Gafoorunnisa Begum in favour of the plaintiff as per Mohammeden Law in the presence of two witnesses. Since the date of execution of the said

Hiba Nama the plaintiff is in peaceful possession and enjoyment of the above said property as on date. That recently in the month of June, 2015 the plaintiff having noticed that some of the real estate mediators were visiting the suit schedule property, she verified the records with the registration office and found that bogus and fabricated documents were created in connection with the suit schedule property by defendant Nos.1 to 5. She notices that defendants 1 and 2 have executed registered General Power of Attorney bearing doc.No.9/1973, dt.11.01.1973 infavour of defendant No.3 in the year 1973 without any interest, which was never executed by the pattadar. The defendants 1 and 2 are not the successor or legal heirs of the original pattadar i.e. Gafoorunnisa Begum. That the defendant No.3 have also executed a registered sale deed in favour of defendant No.4 vide registered sale deed doc.No.6357/1980, dt.12.06.1980 pertaining to land admeasuring Ac.1-18 gts. in Sy.No.208 and Ac.2-10 gts. in Sy.No.209 and also executed another registered sale deed bearing doc.No.7331/1980 dt.28.07.1980 pertaining to land admeasuring Ac.2-00 gts. in Sy.No.210, situated at Karmanghat village, Taluq east Ranga Reddy District basing on the above said GPA. The said documents being created under a fraudulent registered GPA of the said documents are void and non-est in the eyes of law. Hence, the suit to declare the registered General Power of Attorney vide doc.No.9/1973, dt.11.01.1973, registered sale deed bearing doc.No.6357/1980, dt.12.06.1980 and registered sale deed vide doc.No.7331/1980, dt.28.07.1980 as null and void and not binding on the plaintiff.

3) The summons sent to the defendants 1 to 5 were returned as defendants 1 to 4 died and the defendant No.5 has vacated the house and when the matter was posted for steps for bringing the LRs of

defendants 1 to 4 on record, the counsel for plaintiff filed memo stating that they have made all possible efforts to find the legal heirs of deceased defendants 1 to 4 but they could not trace out and as such a paper publication was given against D1 to D5 in Enadu daily newspaper and none appeared. Hence, defendant No.5 was set exparte and the case against defendants 1 to 4 was abated.

4) The plaintiff herself is examined as PW1 and got marked Exs.A1 to A14. Ex.A1 is the certified copy of khasra pahani for the year 1954-55. Ex.A2 is the certified copy of sesala pahani for the year 1955-58. Ex.A3 is the certified copy of pahani for the year 1962-63. Ex.A4 is the certified copy of pahani for the year 1970-71. Ex.A5 is the certified copy of pahani for the year 1985-86 and the said pahanies shows that the mother of the plaintiff Gafoorunnissa is the pattedar of the property bearing survey No.207 admeasuring Ac.1-24 gts., survey No.208 admeasuring Ac.1-18 gts., survey No.209 admeasuring Ac.2-10 gts., survey No.210 admeasuring Ac.1-35 gts., survey No.211 admeasuring Ac.1-09 gts., survey No.212 admeasuring Ac.1-24 gts., survey No.213 admeasuring Ac.1-03 gts., situated at Karmanghat village, Saroornagar Mandal, Rangareddy Dist. Ex.A6 is the certified copy of GPA bearing doc.No.9/1973 said to have been executed by defendants 1 and 2 in favour of defendant No.3. Ex.A7 is the certified copy of sale deed bearing doc.No.6357/1980, dt.12.06.1980 executed by defendant No.3 in favour of defendant No.4 in respect of land in survey No.208 admeasuring Ac.1-18 gts. and land admeasuring Ac.2-10 gts. in survey No.209. Ex.A8 is the certified copy of sale deed bearing document No.7331/1980, dt.28.7.1980 executed by defendant No.3 in favour of defendant No.5 pertaining to land in survey No.210 admeasuring Ac.2-00 gts. situated at

Karmanghat village, Rangareddy District. Ex.A9 is the death certificate of the mother of the plaintiff namely Ghafoorunnisa Begum, which shows that she died on 19-8-2015. Ex.A10 is the Notarized GPA of the plaintiff executed in favour of Attorney, dt.26.08.2015. Ex.A11 is the Market Value Certificate and Ex.A12 is the Certified copy of Pahani for the year 2015 and Ex.A13 is the Muft Jamia Nizamia fatwa urdu with English translation certifying that the mother of the plaintiff gifted the property to the plaintiff. Ex.A14 is the Hibanama in Urdu with English Translation executed by the original owner, who is none other than the mother of the plaintiff in favour of the plaintiff. It is the case of the plaintiff that her mother Ghafoorunnisa is the pattedar of the above extent of property and she died leaving behind her, she is the only adopted daughter of her mother, that she became the absolute owner of the above said property by virtue of Hiba Nama (gift) executed by her mother in her favour and the defendants has created bogus and fabricated documents under Exs.A5 to A7. The evidence of PW1 and the documents Exs.A1 to A14 remained unchallenged and unrebutted. Perused the unchallenged evidence of PW1 and Exs.A1 to A14 which reveal the fact of execution of Ex.A5 GPA by defendants 1 and 2 in favour of defendant No.3, execution of Ex.A6 by defendant No.3 in favour of defendant No.4 and execution of Ex.A7 by defendant No.3 in favour of defendant No.5. Hence, the plaintiff is entitled to recover the suit amount. Hence in view of the unchallenged evidence of PW1, I hold that the plaintiff has proved her case and she is entitled for decree against defendants 1 to 5.

5) In the result, the suit of the plaintiff is decreed declaring the GPA doc.No.9/1973 dt.11-1-1973 executed by defendants 1 and 2 in favour of defendant No.3, registered sale deed vide doc.No.6357/1980

dt.12.6.1980 executed by defendant No.3 in favour of defendant No.4 and registered sale deed doc.No.7331/1980 dt.28-7-1980 executed by defendant No.3 in favour of defendant No.5 as null and void and not binding on the plaintiff. But, in the circumstances, no costs.

Typed to my dictation, corrected and pronounced by me in the open Court, on this the 31st day of March, 2016.

**II ADDITIONAL JUNIOR CIVIL JUDGE
L.B.NAGAR, R.R.DISTRICT**

**APPENDIX OF EVIDENCE
WITNESSES EXAMINED**

For Plaintiff:

PW-1 – Syed Muzammiluddin

For Defendants:

- None -

EXHIBITS MARKED

For Plaintiff:

- Ex.A1 : Certified copy of Khasra Pahani for the year 1954-55
(Translated copy filed)
- Ex.A2 : Certified copy of Sessala Pahani for the year 1955-58
(Translated copy filed)
- Ex.A3 : Certified copy of Pahani for the year 1962-63 (Translated copy
filed)
- Ex.A4 : Certified copy of Pahani for the year 1970-71 (Translated copy
filed)
- Ex.A5 : Certified copy of pahani for the year 1985-86 (Translated copy
filed)
- Ex.A6 : Certified copy of General Power of Attorney bearing
doc.No.9/1973 (Translated copy filed)
- Ex.A7 : Certified copy of Sale Deed bearing doc.No.6357/1980,
dt.12.06.1980 (translated copy filed)
- Ex.A8 : Certified copy of Sale Deed bearing doc.No.7331/1980,
dt.28.07.1980 (translated copy filed)
- Ex.A9 : Death Certificate of Ghafoor Unnisa Begum, dt.19.08.2015
- Ex.A1 : Notarized GPA of the plaintiff executed in favour of Attorney,
0 dt.26.08.2015
- Ex.A1 : Market Value Certificate
1
- Ex.A1 : Certified copy of Pahani for the year 2015
2
- Ex.A1 : Muft Jamia Nizamia fatwa Urdu with English Translation.
3
- Ex.A1 : Hibinama in Urdu with English Translation
4

For Defendants: - NIL -

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L.B.NAGAR, R.R.DISTRICT**