

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE :: AT MEDCHAL,
MEDCHAL-MALKAJGIRI DISTRICT.**

Present:- **Sri B.Ramesh,**
Prl. Senior Civil Judge,
At Medchal, Medchal-Malkajgiri District.

Dated this the 13th day of September, 2022

O.S.No.120 of 2022

Between:

Bandi Nagender Reddy S/o Late Bandi Laxma Reddy, Aged about 66 years, Occ: Agriculture, R/o H.No.3-5-71, Eden Garden, Ramkoti, Hyderabad.

...Plaintiff

AND

1. The Tahsildar, Muduchintalpally Mandal, Medchal-Malkajgiri District.

2. All Concerned.

...Defendants

*This suit came up before me for final hearing on 12.09.2022 in the presence of **Sri B.Raghavender**, counsel for plaintiff and defendant No.1 remained exparte and paper publication has been filed against defendant No.1/All concerned and upon perusal of the material papers on record and the matter having been stood over for consideration till this day, this Court delivered the following :*

JUDGMENT

1. By this Declaration suit the plaintiff is seeking his legal status as successor of Late Bandi Seetaram Reddy, consequently he is

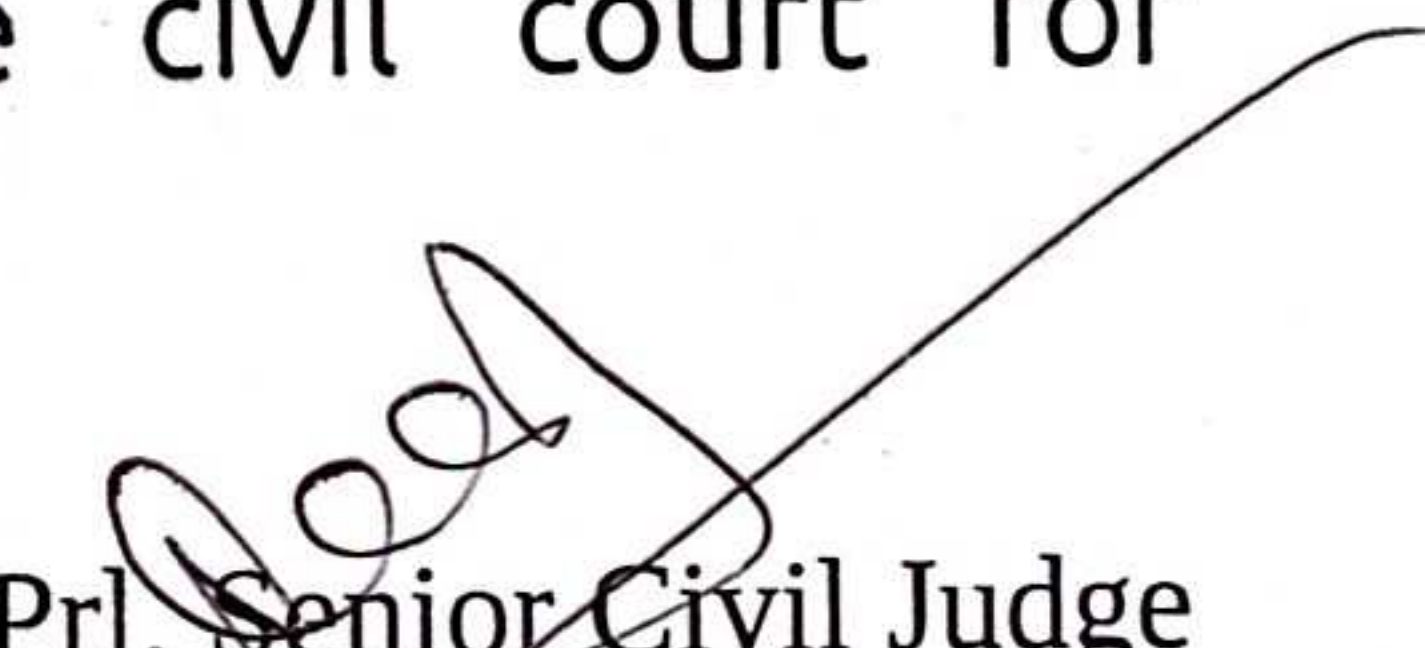


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entitled for mutation of schedule A to D properties left by the deceased.

2. In brief, the plaint pleadings are that the grandfather of plaintiff by name Bandi Seetaram Reddy, was the sole and absolute owner, pattedar and possessor of the suit schedule A to D properties i.e. Ac. 0-36 gts of land in Sy.No.201/A; A. 0-5 gts. in Sy.No. 392; Ac.0-25 gts. in Sy.No. 394/AA and Ac.1-02 gts. of land in Sy.No.398/AA situated at Jaggamguda Village, Muduchintalpally Mandal, Medchal Malkajgiri District. The Bandi Seetharam Reddy who was the pattedar and possessor of the suit schedule A to D properties died on 19.4.1964 leaving behind his two sons Bandi Venkat Krishna Reddy (who died on 21.8.1995) and Bandi Laxma Reddy (who died on 24.5.204) leaving behind the plaintiff to succeed the property. Revenue records of A to D properties being the patta lands of Late Bandi Seetharama Reddy, continued to be in his name as pattedar, however the plaintiff has been possessing and enjoying the same. When the plaintiff approached first defendant i.e., recording authority under ROR Act/Tahsildar Mudichinthalpally mandal, to mutate his name as pattedar in respect of suit schedule A to D properties by virtue of succession, but the first defendant directed the plaintiff to approach the civil court for




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appropriate declaration enable him to mutate the schedule properties. In view of the directions of the recording authority, the plaintiff has approached this court and filed present suit.

3. On registering the suit, summons was ordered to the defendant No.1, but none appeared on behalf of the defendant No.1, accordingly the defendant No.1 was set exparte. On behalf of defendant No.2 (all concern) , paper publication was issued in local edition newspaper, but none appeared to resist the claim of the plaintiffs, thereby the suit proceeded exparte.

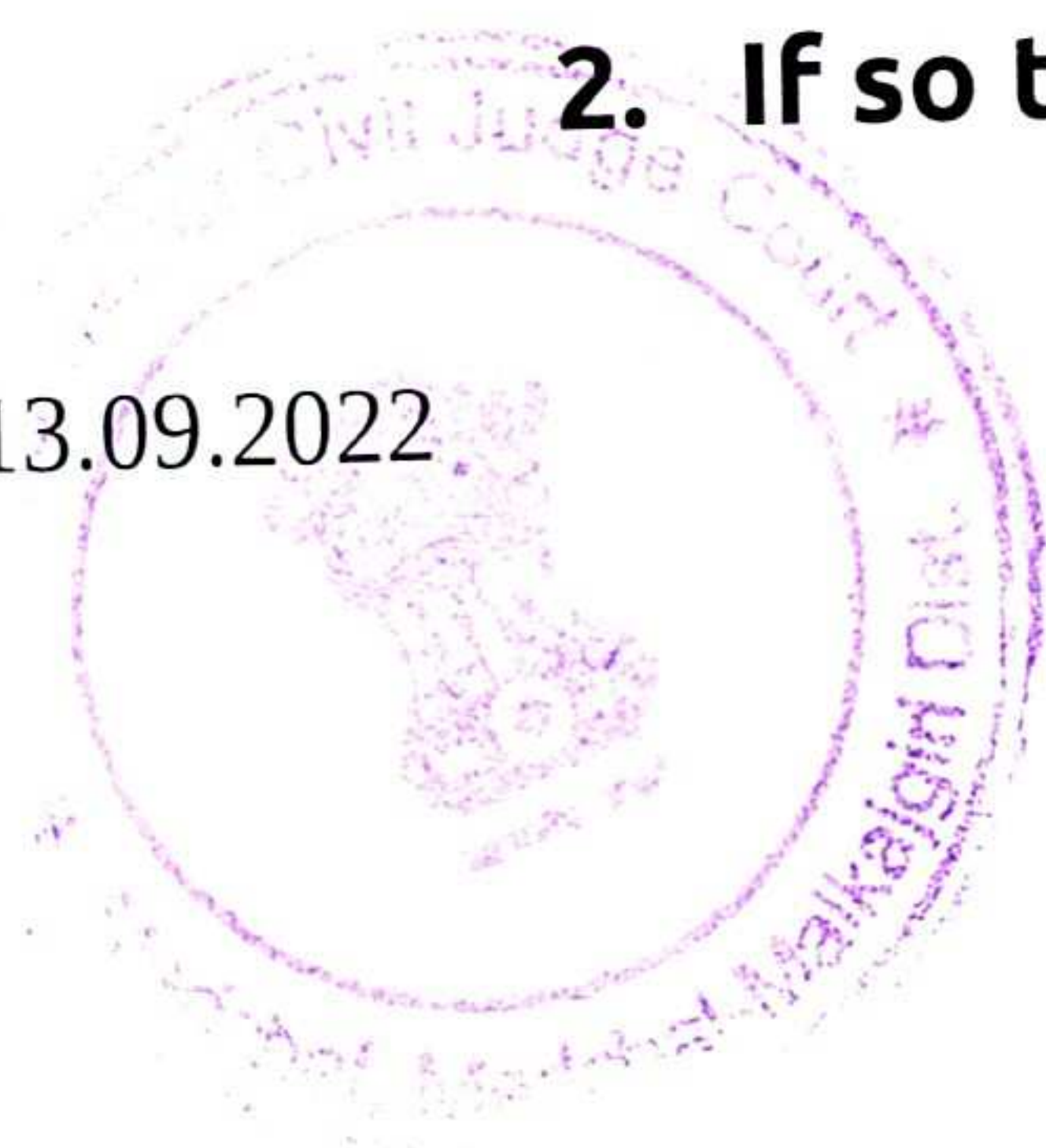
4. During exparte proceedings, plaintiff examined himself as PW-1 and got marked Ex.A1 is the original death certificate of Bandi Seetharam Reddy dt. 5.6.1996 ; Ex.A2 is the original death certificate of Bandi Laxma Reddy dt, 3.7.2004 and the xerox copies of Dharani Pahani and other revenue records are not exhibited and closed further evidence.

5. Heard the learned counsel for the plaintiff and perused the material available on record.

6. Now the point for consideration is:

1. Whether the plaintiff is entitled for declaration , as sought for?
2. If so to what relief?

13.09.2022.




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7. POINT No.1:

During the course of trial, the unchallenged evidence of plaintiff as PW1 including Exhibits A1 death certificate of Bandi Seetharam Reddy dt. 5.6.1996 and Ex.A2 is the original death certificate of Bandi Laxma Reddy dt, 3.7.2004 shows that the plaintiff is the successor of Bandi Seetharam Reddy as well as Bandi Laxma Reddy as the grandson and son of the deceased respectively.

(i) Since this is a suit for declaratory relief of legal status, the plaintiff has to prove that, the plaintiff is entitled for any legal character or any right to any property, the defendant had denied or was planning or interested in denying the status of the plaintiffs.

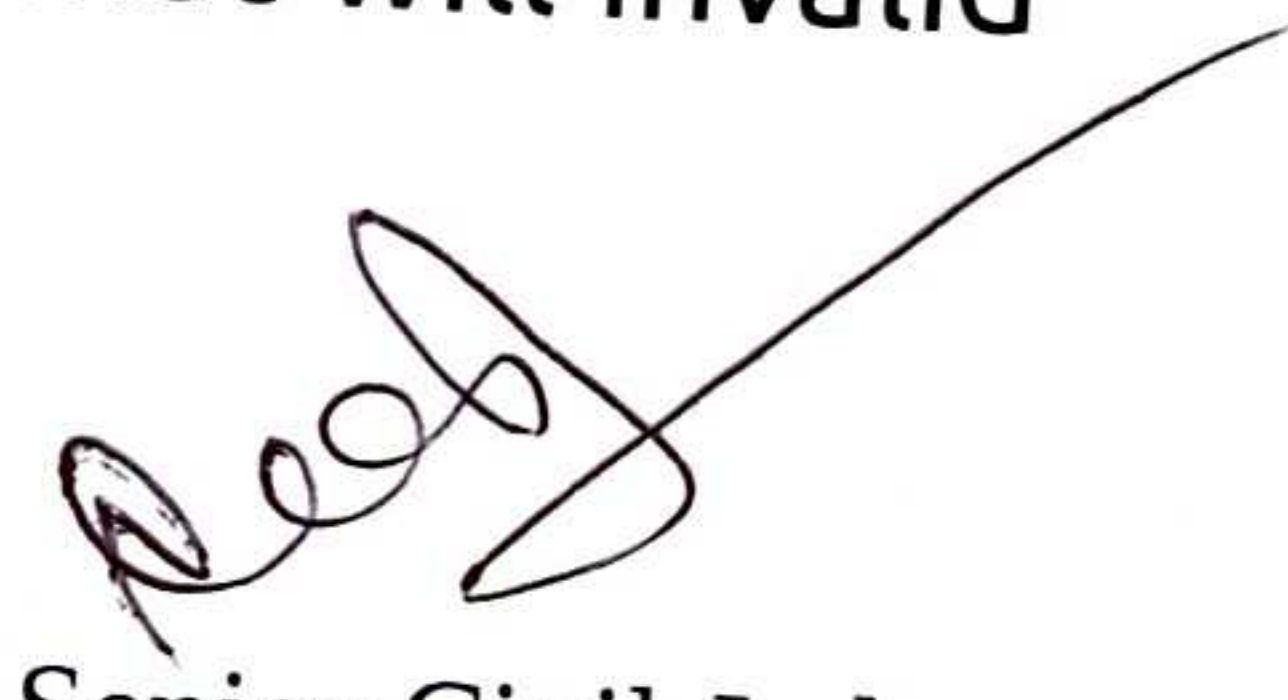
(ii) The declaration asked by the plaintiff should be the same declaration.

(iii) That the plaintiff was entitled to a right and plaintiff were not in position to claim the further relief, then mere declaration of his/her rights which have been denied by the defendants.

(iv) At the same time, declaration suit is not maintainable in case of plaintiff did not infringe on the defendant trade mark.

(v) For declaration during lifetime of testator that will invalid and declaration on non-existent right of succession.

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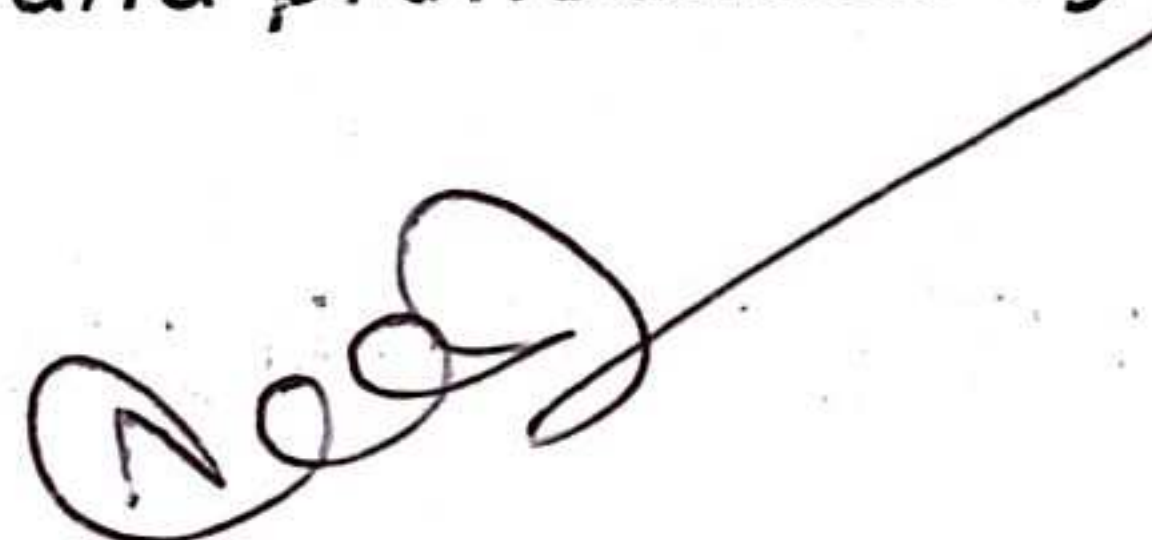
(3)

8. The plaintiff /PW-1 testimony on oath indicates that the name of the Bandi Seetharam Reddy was shown in revenue records in respect of schedule A to D properties as pattedar and continued the same, but after his death when Pw-1 approached the first defendant to mutate his name, who requested the Pw-1 to approach the civil court for declaration of legal status of the deceased. The declaration of legal status being a civil right, on oath the plaintiff has testified that it has been denied by the defendant and sought for declaration of status. Thereby basing on the unchallenged evidence of PW-1, the plaintiff is entitled for relief sought for. Accordingly the point is answered.

9. POINT No.2:

In the result, the suit of the plaintiff is decreed declaring the plaintiff as legal heir of late Bandi Seetharam Reddy; consequently he is entitled for mutation of schedule A to D properties as per the provisions of ROR Act. Decree be prepared accordingly.

(Dictated to Stenographer, transcribed by her, corrected and pronounced by me in the open court on this the 13th day of September, 2022).


Prl. Senior Civil Judge,
Medchal, Medchal-Malkajgiri District.

Prl. Senior Civil Judge
Medchal-Malkajgiri District, at Medchal

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**APPENDIX OF EVIDENCE
WITNESSES EXAMINED****For Plaintiff:**

PW.1	B.Nagender Reddy	For Defendants:
		NIL

EXHIBITS MARKED**For Plaintiff:**

Ex.A.1	Original Death certificate of Bandi Seetha Ram Reddy dt. 5.6.1996
Ex.A.2	Original Death certificate of Bandi Laxma Reddy dt. 3.7.2004

For Defendants:

Accl *13/9/22*
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