**IN THE COURT OF THE HON’BLE ADDL DISTRICT JUDGE:VIKARABAD**

**R.R DISTRICT AT: VIKARABAD**

**O.S.NO. 95 OF 2017**

**Between:**

Dappu Prabhudas & otheres **…PLANITIFFS**

**AND**

Dappu Yellaiah & others  **…DEFENDANTS**

# **WRITTEN STATEMENT FILED BY THE DEFENDANTS NO.15 AND 16**

The defendants No.15 and 16 most humbly submit their written statement as follows:-

1. At the outset these defendants denies the entire adverse allegations leveled against them in the plaint under reply, as the same are false and baseless and far away from truth,. except those which are specifically admitted herein.

2. That the plaintiff suit is not maintainable either on of facts nor in law as the same is devoid of merits and lack of bonafides as such same is liable to be dismissed.

3. That before adverting to the material allegations leveled against the defendants in the plaint under reply, these defendants most humbly submits the true facts to this Hon’bl court. That originally Dappu Pentiaah was absolute owner and possessors of the suit schedule property land bearing Sy. No. 32 admeasuring Ac.12-05 gts situated at Azeeznager Village, Moianbad Mandal, R.R. District and the same is clearly evident from the revenue records. That Dappu Pentiah had two wives namely 1.Smt.Maisamma and 2. Dappu Pentamma and Dappuu Pentaiah though his first wife had only one daughter namely Balamma. That Dappu Pentiah through his second had two sons 1. Dappu Yellaiah (defendant No.1 herein) and 2. Dappu Rukamiah. That the father of the Dappu Penatiah died prior to 1949 and being the surviving male legal heirs Dappu Yellaiah and Rukkaiah succeeded the suit land and female legal heir of Dappu Penataiah i.e Ballama did not succeeded any rights or interest on the death of her father Dappu Pentaiah prior to 1956.

4. it is submitted that Dappu Rukmaiah during his life time filed a suit for partition and separate possession in respect of the suit schedule property against his elder brother Dappu Yellaiah, who is the defendant N0.1 herein and also Balamma in O.S.No.166 of 1989 before the Hon’ble Prl Senior Civil Judge, R.R. District . That during pendency of the suit Dappu Rukmaiah died and his legal heirs were brought on record as plaintiffs No.2 to 6 who are the defendants No.4 to 8 herein. That the Hon’ble Prl Senior Civil Judge, R.R. District decreed the suit in favour of the plaintiffs therein (defendants No.4 to 8 herein)and allotted half share to them being the legal heirs of the Dappu Rukmaiah. Similarly the remaining half share allotted to the Dappu Yellaiah (defendant No.1herein) and the Hon’ble court decline to allot share to the Balamma the daughter of Pentaiah as pentaiah died prior to 1956 and the female legal heirs are not entitled to succeed and claim any share in the properties vide judgment and decree Dt.06-04-1998 and the said judgment and Balamma did not filed any appeal as such the judgment and decree passed the Hon’ble court decree becomes final. Thus the Hon;ble court passed the decree dividing the suit properties in to two equal shares i.e half share to the defendant No.1 herein and Half Share to the defendants No.4 to 8 being the legal heirs of Dappu Rukmaiah and the Hon’ble curt denied to allot any share to the Balamma. That the plaintiffs are the defendants No.9 to 13 herein are no other but the legal heirs of the Balamma and they are claiming the suit schedule properties through Balamma as such, the plaintiffs suit is not maintainable either on facts nor in law and the same amount res judicata and on this ground itself the plaint is liable rejected.

5. It is submitted that as stated above by virtue of judgment and decree in O.S.No.166 of 1989 and pursuant to the succession proceedings granted by the Thasildar, Shabad Mandal the name of the Dappu Yellaiah (defendant No.1 herein) has been entered in the revenue records as pattadar and possessor and pattdar and pass book and title deed also been conferred to the defendant No.1. That being the owner the defendant No.1 sold his half share land to extent of Ac.06-03 gts in favour of the defendants No.15 and 16 under registered sale deed bearing document No.9885/2000 Dt.29-12-2000 for a valid sale consideration. That the defendants No.15 and 16 jointly purchased the said land after due verification of revenue records and after purchasing the same the defendants No.15 and 16 approached the Thasildar, Moinabad Mandal and applied for mutation of their names in the revenue records by virtue of sale deed and the Thasildar, Moinabad Mandal after due enquiry mutated the names of the defendants No.15 and 15 equally to an extent of Ac.03-01 and Ac.03-02 gts respectively vide orders passed in file No.B2/2144/2002 Dt.18-09-2002. That by virtue of said orders the name of the defendant No.16 has been entered his extent of Ac.03-02 gts in the revenue records as pattadar and possessor. That the defendant No.15 used to reside at Jeddah and the defendant No.15 came to know about that his name is not entered in the revenue records though the mutation orders has been passed in favour of the defendant No.15 and immediately the defendant No.15 filed a representation to the Thasildar, Moinabad Mandal to implement the orders and enter his name in the pahnies. Accordingly the Thasildar, Moinabad Mandal has been entered the name of the defendant No.15 in the revenue records and in the said process the defendant No.15 came to know about the alleged succession proceeding in file No.362/2005 favour of the plaintiffs and the defendants No. 15 filed an appeal in file No.C/1706/2017 before the Hon’ble R.D.O.Chevella Division and after due enquiry R.D.O.Chevella Division set aside the said succession orders. That being the bonafide purchasers defendants No.15 and 16 are in peaceful possession and enjoyment of land to extent of Ac.6-03 gts since the date of their purchase and passbooks and title deeds have been issued to the defendants No.15 and 16.

6. it is submitted that the plaintiffs are very much aware of the above acts and by suppressing the judgment and decree in O.S.No.166 of 1989 the plaintiffs filed the present suit filed on false and baseless allegations with a view to extract money from these defendants under black mail tactics as such the plaintiffs will not entitle any share in the suit schedule properties and have no right to seek partition the schedule properties as such the plaintiffs suit is liable to be dismissed.

7. That in rely to Para No.1 to 3 of the plaint, it is submitted that there is no dispute with the relationship of the parties, but the allegation of the plaintiffs that they are absolute owners of the suit schedule properties being the legal heirs of the Balamma and that they are in joint possession of the suit schedule properties etc, are absolutely false and in correct and here by denied. That as stated above the Hon;ble Prl Senior Civil Juge:R.R.District already denied share to the Ballmma as such the question getting any share to the plaintiff through in the suit schedule property does not arise and suit is liable to dismissed.

8. That in reply to Para No.4 of the plaint , it submitted that allegation of the plaintiffs that the defendants No.1 to 8 with the collision of the defendants No.9 to 13 without their knowledge and consent illegally got entered their names in the revenue records and the suit lands are their ancestral joint family properties and the plaintiffs and the defendants No. 9 to 13 together 1/3rd share in the suit lands etc., absolutely false and hereby denied and the plaintiffs are put to strict proof of the same.

9. That In reply to Para No.6 of the plaint, it submitted that the allegations of the plaintiffs that they have approached the defendants No.1 to 13 and requested them to partition the suit properties and they did not come forward for partition and they are deliberately avoiding the shares to the plaintiffs and finally on 20-10-2017 the plaintiffs requested the defendants No.1 to 13 for effect of final partition but they disclosed already they sold part of the suit land to the defendants No.14 to 16 and they came to know about the sale deeds in favour of the defendants No.14 to 16 and the defendants who are in collusion with each other got collusive sale deeds with a view to deny the legitimate right of the plaintiffs etc., are absolutely false and incorrect, hence the same are hereby denied and the plaintiffs are put to strict proof of the same.

10. That in reply to Para No.7 of the plaint , it is submitted that no cause of action arose to the plaintiff to file the present suit and alleged dates of cause of action is only imaginary and self-invented one for the purpose of filing the suit and for want of cause action the plaintiff suit is liable to be dismissed..

11. That in reply to Para No.8 of the plaint, it is submitted that same are formal paras and needs no specific reply.

12. That in reply to Para No.9 of the plaint, it is submitted that plaintiffs suit is hopelessly time barred as the cause of action arose to the Balamma to file the suit on 28-04-1986 and the Hon’ble court denied the share to the Balamma in the year 1998 and the suit if filed after abnormal delay of nearly 19 years as such the suit is liable to dismissed.

13. It is submitted that in reply to para No.10 of the plaint, it is submitted that same are formal para and needs no specific reply

14. That in reply to Para No.8 of the plaint, it is submitted that same are formal paras and needs no specific reply.

by limitations as the plaintiffs the presnt suit after are not in joint possession of the suit land as such the court fee by them are irrelevant as such the suit is liable to be dismissed.

15. It is submitted that the suit is lack of bonafide and devoid of merits as such the same is liable to be dismissed.

Therefore it is prayed that this Hon’ble court be Pleased to dismiss the plaintiffs suit with exemplary costs in the interest of justice.

**DEFENDANT NO.9**

**DEFENDANT NO.10**

**Place: VIKARABAD**

**Date: -06-2018 DEFENDANT N0.16**

**COUNSEL FOR THE DEFENDANTS**

**VERIFICATION**

We, the above named defendants do here by verified that the contents of the above written statement are true are correct and to the best of my knowledge and belief and information. Hence verified on this the day of June 2018 at Vikarabad.

**DEFENDANT NO.9**

**DEFENDANT NO.10**

**DEFENDANT N0.16**

**IN THE COURT OF THE HON’BLE SENIOR**

**CIVIL JUDGE: R.R DISTRICT**

**AT: VIKARABAD**

**O.S.NO. 163 OF 2017**

**Between:**

Baindla Manasa and another

**…Plaintiffs**

**AND**

Baindla Pentiah and others

**…Defendants**

**WRITTEN STATEMENT FILED BY THE DEFENDANTS NO.10,11 & 16**

FILED ON:: -06-2018

FILED BY:

**C.RAVI SHANKER GOUD**

**C.NARENDER GOUD**

**AdvocateS**

**COUNSEL FOR THE DEFENDANTS NO.4 TO 10 &**

**14 TO 18**

**IN THE COURT OF THE HON’BLE SENIOR CIVIL JUDGE:VIKARABAD**

**R.R DISTRICT AT: VIKARABAD**

**O.S.NO. 163 OF 2017**

**Between:**

Baindla Manasa & another **…PLANITIFFS**

**AND**

Baindla Pentaiah & others  **…DEFENDANTS**

**ADOPTION MEMO FILED BY THE DEFENDANTS NO.4 TO 8,11 TO 15 AND 17,18**

May it please your Honour,

It is respectfully submits that in the above mentioned case the defendants No.9,10 and 16 are filed their written statement and these defendants are adopting the written statement of defendants No.9,10 and 16.

Hence this Adoption Memo.

**Date: /06/2018**

**Place: Vikarabad COUNSEL FOR THE DEFENDANTS NO. 4 TO 10 14 TO 18**

**IN THE COURT OF THE HON’BLE SENIOR**

**CIVIL JUDGE: R.R DISTRICT**

**AT: VIKARABAD**

**O.S.NO. 163 OF 2017**

**Between:**

Baindla Manasa and another

**…Plaintiffs**

**AND**

Baindla Pentiah and others

**…Defendants**

**ADOPTION MEMO FILED BY THE DEFENDANTS NO.4**

**TO 8,11 TO 15 AND 17,18**

FILED ON:: -06-2018

FILED BY:

**C.RAVI SHANKER GOUD**

**C.NARENDER GOUD**

**Advocates**

**COUNSEL FOR THE DEFENDANTS NO.4 TO 10 &**

**14 TO 18**