

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.2494 OF 2015

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

2. The petitioner is plaintiff in O.S.No.92 of 2011 on the file of the Court of Senior Civil Judge, Gadwal (for short, trial Court). When the first respondent sought to mark one unregistered sale deed dated 04.07.1969 along with the validation certificate issued by the Mandal Revenue Officer, Maldakal, Mahabubnagar District under Form 13(B) dated 29.08.2003, an objection was taken by the petitioner stating that proper stamp duty was not collected by the Mandal Revenue Officer and Form 13(B) though states with regard to the extent of Ac.7-17 guntas in respect of survey No.123, it also shows another extent of Ac.1-25 guntas in survey No.109 and there is a doubt with regard to validation. The petitioner states that though the Sub-Registrar informed the Mandal Revenue Officer, Maldakal to collect an amount of Rs.1,600/-, only Rs.210/- was collected and it *prima facie* creates a doubt. The said objection relates to marking of a document and it should have been cleared at the time of marking of the document.

3. In the circumstances, though the issue of relevancy and proof can be raised at a later stage, since the present objection relates to marking of a document, the impugned order passed by the trial Court dated 11.06.2015 in O.S.No.92 of 2011 is set aside and the matter is remanded back to the trial Court for passing fresh orders in accordance with law. The petitioner is given liberty to file an appropriate application for calling for the records from the Mandal Revenue Officer, Maldakal, Mahabubnagar District.

4. The Civil Revision Petition is, accordingly, allowed. Miscellaneous petitions

pending, if any, shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 04.11.2015

TJMR

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