

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.5959 of 2012

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ORDER:
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This Civil Revision Petition is filed challenging the order dt.28-09-2012 in O.S.No.240 of 2008 of the IV Additional Senior Civil Judge, Guntur.

2. Heard the learned counsel for petitioner.
3. By the impugned order, the Court below followed the judgment of the Supreme Court report in **Hafeeza Bibi and others Vs. Shaikh Farid (Died) by L.Rs. and others**^[1] and held that an unregistered Hiba can also be admitted in evidence provided there is a declaration of gift by donor, acceptance of the gift by the donee and delivery of possession.
4. The Supreme Court in the above case held that the Rules of Mohammedan law do not make writing essential to the validity of the gift and if an oral gift fulfills all the three essential ingredients mentioned above, it makes the gift complete and irrevocable. It held that merely because the gift is reduced to writing by a Mohammedan, instead of it

having been made orally, it does not become a formal document or instrument or deed of gift and that its nature and character is not changed because of it having been made by a written document.

5. Having regard to this decision of the Supreme Court, which has been followed by the Court below, I am of the opinion that there is no merit in the Revision and it is accordingly dismissed. No costs.

6. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 11-06-2015

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[\[1\]](#) (2011) 5 SCC 654