

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No. 2286 OF 2015

ORDER:

The 1st defendant in the suit is the petitioner herein. The 1st respondent herein is the plaintiff in the suit.

Heard Sri J. Ugra Narasimha, learned counsel on behalf of the learned counsel for the petitioner. It is contended by Sri Narasimha that though the suit is styled as the one filed for specific performance of an agreement of sale of a flat, the said agreement of sale is an unregistered document and hence, the suit itself is not maintainable. It is further contended that the petitioner herein filed an Interlocutory Application for rejection of the plaint as it is not maintainable based upon an unregistered document. That Application was rejected by the trial Court. Then the petitioner herein preferred Civil Revision Petition No. 777 of 2014 before this Court which is still pending. However, in the meantime, the plaintiff realizing the folly filed I.A. No. 3012 of 2014 under Section 33 read with Section 35 of the Indian Stamp Duty and Registration Act seeking the Court to impound the document for the purpose of registration. That Petition was allowed by directing the agreement of sale dated 12.10.2010 to be sent to the District Registrar for impounding the document.

Sri Narasimha would contend that even if the document in question is not impounded and sent up for compulsory registration, the original defect in instituting the suit, based upon an unregistered document, still remains and it cannot be cured. Therefore, no useful purpose would be served by either impounding the document itself or subjecting it to registration, at this stage.

The contention canvassed by the 1st defendant is not a relevant factor for, it is for the plaintiff to get the agreement in his hands to be got registered. As to whether any such delayed registration will improve the chances of the plaintiff to succeed in the suit, is a matter about which no speculation can be entertained at this stage. That would be an issue to be debated before the trial Court at the time when the hearing is taken up. This apart, as contended by Sri Narasimha, if C.R.P. No. 777 of 2014 is allowed by this Court and the resistance offered by the plaintiff is neutralized, the plaint itself will get rejected.

Therefore, I do not find any justifiable reason to entertain this Revision and in passing the order, the trial Court has neither exceeded its jurisdiction nor exercised any jurisdiction, which does not vest with it for me to exercise the revisional jurisdiction.

Hence, the Civil Revision Petition is dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

26th June 2015

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