

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO. 3373 OF 2013

ORDER:

This Revision is filed challenging the order dated 12.7.2013 in I.A.No. 1105 of 2012 in O.S.No. 14 of 2011 of the Principal Junior Civil Judge, Chittoor.

Petitioner herein is the defendant in the suit. The respondent/plaintiff filed the said I.A under Section 17 of the Registration Act, 1908 seeking to send the sale deed dated 22.9.1975 to the Sub Registrar, Chittoor Rural, Kongareddy Palli Road, Chittoor, Chittoor Mandal and District for registration of the same. By the impugned order dated 12.7.2013, the Court below allowed the same by giving following reasons:

“Considering the rival contentions this court opines that when registered sale deed is a compulsorily registerable document, the petitioner coming forward to get the document registered can always be permitted and the objections if any the respondent has with regard to the document i.e., whether it is a fabricated document or not, the same has to be proved by the respondent by producing evidence during trial. Hence, at this stage irrespective of other aspects as alleged by the respondent there are no reasons for not considering the petition of the petitioner.”

Counsel for the petitioner would submit that under the provisions of Registration Act, a document is required to be registered within four months from the date of its execution and that the document in question was allegedly executed on 22.9.1975 but the trial Court by order dated 12.7.2013 directed to send it to District Registrar for registration and this is impermissible.

Counsel for respondent does not dispute the legal position.

Section 23 of the Registration Act states that no document shall be registered unless presented for that purpose to the appropriate authority within four months from the date of its execution. Overlooking

this provision of law, the Court below appears to have allowed I.A.No. 1105 of 2012 and directed registration of the sale deed executed on 22.9.1975 by the Sub-Registrar, Chittoor Rural Kongareddypalli Raod, Chittoor, Chittoor Mandal and District. Since the statute does not permit this, the impugned order cannot be sustained.

Therefore, the Civil Revision Petition is allowed and the order dated 12.7.2012 in I.A.No. 1150 of 2012 in O.S.No. 14 of 2011 of the Principal Junior Civil Judge, Chittoor, is set aside. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01.06.2015

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