

THE HON'BLE SRI JUSTICE K.C. BHANU

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CIVIL REVISION PETITION No.4764 OF 2014

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is directed against the docket Order, dated 07.11.2014 in Original Suit No.157 of 2009 passed by the Junior Civil Judge, Piduguralla, Guntur District, whereunder and whereby, the objection to mark the document i.e., registered sale deed, dated 30.05.2008, through DW.1, was allowed holding that as the said document requires registration under Section 17 of the Registration Act, 1908 (for short, 'the Act'), the same cannot be admitted in evidence.

2. Learned counsel for the petitioner contended that the document sought to be received is for collateral purpose as contemplated under Section 49 of Act and therefore, he prays to allow the revision.

3. Section 49 of the Act is subject to control of Section 35 of the Indian Stamp Act, 1899, which provides that a document, which is required to be stamped but not stamped, requires stamp duty and penalty. Unless the stamp duty and penalty is paid, the document cannot be used for any purpose including collateral purpose. Therefore, the trial Court rightly accepted the objection raised by the learned counsel for the plaintiff and that order needs no interference by this Court. However, liberty is given to the petitioner/defendant No.4 to pay the stamp duty and penalty as required under Section 35 of the Indian Stamp Act, 1899 and thereafter, the petitioner can file an application to receive the said document for collateral purpose.

4. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE K.C. BHANU

Date:17.04.2015

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