

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.2509 of 2015

ORDER:

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

2. The petitioner herein is defendant in O.S.No.465 of 2012 on the file of the Court of the Principal Senior Civil Judge, Chittoor (for short, trial Court). The respondent herein filed the above suit for specific performance of agreement of sale dated 20.07.2008. During the course of chief examination of P.W.1, he wanted to mark the said agreement of sale along with the other documents. At that stage, the learned counsel for the defendant raised an objection with regard to marking of Exs.A.1 to A.5 by contending that though stamp duty and penalty were paid under the said documents, they cannot be marked since they were drafted on insufficient stamp papers and recitals of Ex.A.5 are as that of a sale deed. The trial Court on 19.03.2015, without passing any speaking order on the objection raised by the learned counsel for the defendant, simply stated that "said objection is recorded". Challenging the same, the present Civil Revision Petition is filed.

3. When an objection is taken by the learned counsel for the defendant for marking certain documents, the trial Court should have taken a specific stand at that stage itself in stead of keeping the objection hanging. Since the manner of dismissal of the objection raised by the learned counsel for the defendant is not satisfied by this Court, this Court is constrained to remand the matter to the trial Court to pass a reasoned order, within a period of 15 days from the date of receipt of a copy of this order, with regard to the tenability of the objection raised by the learned counsel for the defendant, after hearing both the counsel on the disputed documents Exs.A.1 to A.5. It is needless to observe that this Court is not expressing any opinion on the tenability of the objection raised by

the learned counsel for the defendant on the above documents.

4. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 04.12.2015

Note: Issue CC by 08.12.2015

B/o. TJMR