

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2544 of 2014

Date: 10-12-2015

Between:

Ammittee Haritha

.... Petitioner

AND

Obli Sankaramma

.... Respondent

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.2544 of 2014

ORDER:

The petitioner herein is the plaintiff in O.S.No.24 of 2012 on the file of Senior Civil Judge, Piler, Chittoor District. The said suit was filed for recovery of an amount of Rs.9,44,000/- consisting of Rs.8,00,000/- and interest at 1,44,000/- paid under agreement of sale dated 10-03-2011. The plaintiff as PW.1 filed chief-examination affidavit and marked Exs.A.1 to A.5. In the cross-examination, when a question was put to the plaintiff with regard to delivery of property under Ex.A.1, she admitted that the property was delivered under Ex.A.1. In that situation, Ex.A.1-agreement of sale was demarked for want of stamp duty and penalty. Challenging the said docket order dated 23-06-2014, the present Civil Revision Petition is filed.

This Court called for copy of the agreement of sale dated 10-03-2011 and noticed that there is no recital with regard to delivery of possession in the said agreement. What is the effect of

admission of PW.1 should be considered after completion of trial. But the document does not speak about delivery of possession and it cannot be impounded on the basis of the admission made by PW.1. The suit was filed for recovery of the advance amount paid by the plaintiff to the defendant pursuant to the agreement dated 10-03-2011 and the agreement is sought to be exhibited in support of the transaction. Thus, the aid of the agreement is being taken for collateral purpose of the transaction, but no relief is sought in respect of any immovable property on the basis of the said document. In the circumstances, the demarking of Ex.A.1-agreement of sale on the basis of the admission made by PW.1 is not correct and Ex.A.1 can be marked for collateral purpose of the transaction.

The Civil Revision Petition is accordingly allowed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 10-12-2015

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