

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.4561 of 2014

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ORDER:

The plaintiff in O.S.No.1350 of 2008 on the file of the learned V Additional Junior Civil Judge, Warangal, is before this Court by way of this Civil Revision Petition under Article 227 of the Constitution, aggrieved by the order dated 24.10.2014 passed by the Court below in I.A.No.877 of 2014 in the suit filed by her.

By way of the said I.A., the plaintiff requested the Court below to decide the admissibility of the agreement of sale dated 11.12.1999 (Ex.B.3) and the receipt dated 14.12.1999 (Ex.B.4). The Court below dismissed the I.A. holding that the said documents were admissible, subject to proof.

Perusal of the order under revision reflects that the Court below found on facts that the subject documents had been impounded and deficit stamp duty had also been collected thereupon. Taking note of the proviso to Section 49 of the Registration Act, 1908 (Act of 1908), the Court below held the subject documents to be admissible in evidence.

There can be no dispute as to the fact that the agreement of sale dated 11.12.1999 (Ex.B.3) was compulsorily registerable in terms of Section 17(1)(g) of the Act of 1908, introduced by the Andhra Pradesh Amendment Act 4 of 1999 which came into effect from 01.04.1999. The receipt dated 14.12.1999 (Ex.B.4), as rightly found by the Court below, had no independent existence and therefore merged with the said agreement. In that view of the matter, a document which was compulsorily registerable could only be

permitted in evidence for limited purposes as set out in the proviso to Section 49 of the Act of 1908. This proviso reads as under.

“Provided that an unregistered document affecting immovable property and required by this Act, or the Transfer of Property Act, 1882 to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the special Relief Act, 1877, or as evidence of any collateral transaction not required to be effected by registered instrument.”

Having referred to the same, the Court below concluded baldly that the subject documents were admissible documents. This Court therefore deems it appropriate to qualify the said finding by holding that the subject documents would be admissible in evidence only to the limited extent permissible under the proviso to Section 49 of the Act of 1908 and subject to proof and relevance.

The Civil Revision Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of the above final order. No order as to costs.

SANJAY KUMAR, J

2nd APRIL, 2015.

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