

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 644 of 2015

DATED 18th November, 2015

BETWEEN

Palla Chowdamma

...Petitioner

And

Vulasala Venkata Subbamma and ors

...Respondents

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 644 of 2015

ORDER:

-

The plaintiff in O.S.No.130 of 2010 on the file of the learned Junior Civil Judge, Jammalamadugu, YSR Kadapa District is the petitioner herein. The said suit was filed against the respondents herein for permanent injunction.

In the said suit, the petitioner/plaintiff filed I.A.No.402 of 2010 seeking to impound the sale agreement dated 24.5.1980 under which she alleged to have purchased an open site from one Vulasala Ramaiah and send it to the District Registrar's office, Proddatur for getting it registered. The said IA was allowed and the said document was sent to the office of the District Registrar, Proddatur. The District Registrar addressed a letter dated 2.8.2012 to the trial Court stating that there was no mention of survey number, extent of site and plinth area covered by the property for arriving at market value and fixing the correct stamp duty and therefore it is not possible to impound the said document. Pursuant to the said letter, the petitioner filed a memo indicating the survey number, but without mentioning the extent of site and plinth area. However, in the schedule of the suit, it was mentioned that the suit schedule property admeasuring 0.7 1/2 cents is situated in Nakula Katta Street, Jammalamadugu town and Mandal, Kadapa District. The Memo which was registered as SR No. 1386 was dismissed by the Court below on 10.12.2014, challenging which, the present Civil Revision Petition is filed.

The learned Junior Civil Judge, Jammalamadugu relied on Sections 47 and 49 of the Registration Act and Section 54 of the Transfer of Property Act, which are not at all relevant for the purpose of consideration of the case on hand. Since I.A.No.402 of 2010 was already allowed, the point that arises for consideration is whether on the basis of the information furnished by the petitioner, subject document can be sent for proper stamp duty or not. The District Registrar, Proddatur addressed letter dated 2.8.2012 pointing out certain defects and those defects were cured by the petitioner/plaintiff by filing a memo. Though the said Memo contained survey number, however, extent and plinth area are not available in the said memo and the same are available in the schedule. In the circumstances, the learned Junior Civil Judge, Jammalamadugu should have incorporated the said information in reply to the letter of the District Registrar, Proddatur instead of dismissing the Memo. The learned Counsel for the respondents/defendants submits that his clients want to raise certain pleas with regard to impounding of the sale agreement which was executed on a white paper. Since I.A.No. 402 of 2010 was already allowed, it is for the District Registrar, Proddatur to consider whether the said document can

be impounded and registered.

For the foregoing discussion, the order under revision passed by the learned Junior Civil Judge, Proddatur, dated 10.12.2014 is set aside and the learned Junior Civil Judge, Proddatur is directed to send the subject document which was ordered to be impounded in I.A.No.402 of 2010 along with the information furnished in the memo by the petitioner/plaintiff and schedule enclosed to the document for taking necessary action by the District Registrar, Proddatur.

The Civil Revision Petition is allowed. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 18th November, 2015.

Msnr_x