

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4611 of 2014

ORDER :

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.21.10.2014 in O.S.No.217 of 2010 of the Additional Senior Civil Judge, Karimnagar.

2. The petitioner herein is the 1st defendant in the above suit. The said suit was filed by the 1st respondent herein against the petitioner and the 2nd respondent for partition of 'A', 'B' and 'C' schedule properties.

3. During course of trial, when DW1 i.e., petitioner herein, was sought to be examined, he sought to mark a document dt.03.06.1995 in his evidence on the ground that it is a memorandum of family arrangement. This was opposed by the 1st respondent on the ground that it requires registration and that since it was insufficiently stamped it cannot be received in evidence.

4. By order dt.21.10.2014 the Court below upheld the objection of the 1st respondent and held that the said document cannot be received in evidence on the ground that it is insufficiently stamped.

5. Challenging the same, this Revision is filed.

6. Counsel for the petitioner has placed before me copy of the said document. Recitals in the said document clearly indicate that there is a division between the petitioner and the 1st respondent of some of the ancestral properties and that the petitioner got Ac.0-26 guntas of

land in survey No.191/A of Vallampahad village, while the 1st respondent got

Ac.0-23 guntas in survey Nos.287, 301, 309 and 310 of Narnur village. The said document is clearly a partition deed and is not a record of past partition. Since, it creates an exclusive right in favour of the petitioner and the 1st respondent in respect of the portions allotted to them, it cannot be said to be a family arrangement which did not require stamp duty and registration. Therefore, I am of the opinion that the Court below was correct in holding that the document in question is inadmissible in evidence on the ground that it is insufficiently stamped.

7. So, this Civil Revision Petition fails and it is accordingly dismissed. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

09th October, 2015.

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