

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.829 of 2014

ORDER:

Heard Sri K.Manmadha Rao, learned counsel for the petitioner and Sri P.Durga Prasad, learned counsel for the respondents.

2. This Revision Petition is filed challenging the order dt.20-02-2014 in O.S.No.39 of 2007 of the Junior Civil Judge, Cheepurupalli, refusing to receive in evidence a document dt.25-03-2005 sought to be marked on behalf of the petitioner/plaintiff in his evidence.
3. The document in question, according to the petitioner, is an agreement of sale and was executed on Rs.100/- stamp paper. According to the petitioner, property was agreed to be transferred under the said document for a sum of Rs.1.00 lakh in favour of the petitioner by some of the respondents and that it is in the nature of an agreement of sale.
4. The Court below however considered the recitals in the document and held that an extent of Ac.4.05 cts was sold by respondent Nos.2 and 3 under the said document in favour of the petitioner, and though they had agreed to execute a regular registered sale deed as and when demanded by the petitioner, the recitals in the document indicate that the title of the vendors stood extinguished and right, title and interest were transferred under the said document in favour of the petitioner. It observed that the petitioner is intending to rely upon the said document to get a declaration that he is the joint holder of the suit schedule property along with defendant Nos.2 to 4, and to establish his title to half of the suit schedule property and extinguishment of

title of defendant Nos.2 and 3, and therefore the document in question cannot be admitted in evidence for the said purpose.

5. I completely agree with the reasoning of the Court below since the recitals in the document dt.25-03-2005 indicate that the right, title and interest of defendant Nos.2 and 3 in the land of Ac.4.05 cts was extinguished and a right was created in favour of petitioner thereunder. Therefore it is not an agreement of sale but is in fact a sale deed and since it is unregistered document and is also insufficiently stamped, it was rightly held to be inadmissible in evidence. I therefore do not find any merit in the Revision Petition.
6. Accordingly, the Civil Revision Petition is dismissed. No costs.
7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-09-2015

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