

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.2821 of 2015

Dated 24th July, 2015

Between:

Byra Venkata Rama Devi

...Petitioner

And

Thota Gurrappa Naidu and others

...Respondents

Counsel for the petitioner: Sri K.Chidambaram

Counsel for the respondents: ----

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 22.04.2015, in I.A.No.774 of 2014, in O.S.No.190 of 2007, on the file of the learned Principal Junior Civil Judge, Chilakaluripet.

I have heard Sri K.Chidambaram, learned counsel for the petitioner, and perused the record.

The petitioner filed the above-mentioned suit for perpetual injunction against the respondents. It is the pleaded case of the respondents that under an unregistered lease deed executed by the petitioner's vendor, they have been in possession of the property. As the purported lease deed set up by the respondents was unstamped, they have filed I.A.No.774 of 2014 under Sections 33, 35 and 38 of the Indian Stamp Act, 1899 to send the lease deed, dated 01.04.2002, for its impounding to the District Registrar, Narasaraopet. The petitioner has resisted the said application on the ground that mere impounding

of the lease deed would not serve any purpose as the same is not registered. However, by the order under revision, the lower Court has allowed the said application by holding that as per proviso to Section 49 of the Registration Act, 1908 an unregistered lease deed can be admitted into evidence for collateral purpose, namely, to prove possession of the proponent of the document.

In the affidavit filed in support of the application, the respondents pleaded that that the lease deed, dated 01.04.2002, is the only document which proves their possession of the suit schedule property and that therefore it is an essential document for being produced by them.

Under proviso to Section 49 of the Registration Act, 1908 an unregistered document can be relied upon for collateral purpose. As the suit filed by the petitioner is for injunction, the respondents can resist the said relief by showing that they are in possession. Therefore, to the limited extent of showing their possession, which constitutes collateral purpose, the respondents can rely upon the document even if it is unregistered. However, it needs to be observed that the respondents cannot use the said document for declaring their right over the suit schedule property.

Subject to the above observations, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.3767 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

24th July, 2015
VGB