

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

C.R.P. No.2981 of 2015

Between:

Bejgam Ashok and another

... Petitioner

and

Bejgam Nagabhushanam and seven others.

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: **29th July, 2015.**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

- 1 Whether Reporters of Local newspapers may be Yes/No allowed to see the Judgments?
- 2 Whether the copies of judgment may be marked Yes/No to Law Reports/Journals
- 3 Whether Their Ladyship/Lordship wish to see the Yes/No fair copy of the Judgment?

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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P. No.2981 of 2015

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the docket order dt.29.06.2015 in O.S.No.30 of 2009 passed by

the VIII Additional District Judge, Nizamabad, whereunder the trial Court agreed to receive an unregistered settlement deed in evidence.

2. Counsel for the petitioner contended that the settlement deed is inadmissible in evidence for want of registration and in support of his contentions, he has drawn the attention of this Court to several judgments of the Apex Court.

3. The counsel for the respondent raised a specific contention that when the document was sought to be filed before the trial Court for receiving the same into evidence after condoning the delay, no counter was filed, however endorsed that the document can be received subject to proof and relevancy, but this is not sufficient to uphold the impugned order.

4. At this stage, it is relevant to extract the order passed by the trial Court, which reads as follows:

“The document objected to by the defendant’s counsel is settlement deed dt.26.10.1998 to which the terms of prior settlement are annexed. Subsequent to the said deed a Lok Adalath award is passed on 29.10.1998, which prevails over the settlement deed. Hence no rights crop up from this settlement deed. Therefore, it is opined that there is no harm in marking the document though it is an unregistered one. Hence the matter shall be proceeded by marking the document and cross-examination of PW1. Post on 10.07.2015.”

5. The said order is bereft of any reasons for admitting the settlement deed dt.26.10.1998 in evidence. The reason for receiving the document and proposed to mark the same is ‘no harm would be caused’.

6. The objection raised by the counsel for the revision petitioner before trial Court is about the admissibility of the said document for want of registration and the trial Court did not record any reason about the admissibility though it is unregistered. Since, the order passed by the trial Court is cryptic without any legal reasoning the same deserves to be set aside.

7. Accordingly, the Civil Revision Petition is allowed setting aside the docket order dt.29.06.2015 in O.S.No.30 of 2009 passed by the VIII Additional District Judge, Nizamabad. However, the trial Court is directed to consider the objection raised by the counsel for the revision petitioner with regard to admissibility of the unregistered settlement deed dt.26.10.1998 and upon hearing the argument of both the counsel, shall pass a reasoned order and then proceed further. There shall be no order as to costs.

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

M. SATYANARAYANA MURTHY, J

29th July, 2015.

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