

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.R.P. No.2149 of 2015

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Between:

Komati Adishesha Rao and another

... Petitioners

And

Pothuboyina Venkateswara Rao

... Respondent

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.R.P. No.2149 of 2015

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ORDER:

This revision petition has been filed aggrieved by the order dated 16.03.2015 passed in I.A. No.51 of 2015 in O.S. No.237 of 2008 by the I Additional Civil Judge, Machilipatnam.

The revision petitioners and the respondent are the defendants and plaintiff, respectively. I.A. No.51 of 2015 in O.S. No.237 of 2008 was filed by the revision petitioners under Order XIII Rule (3) CPC praying the Court below to reject the Ex.A-1, possessory agreement of sale and the Court below vide impugned order dismissed the said application. Assailing the same, the revision petitioners filed the present revision petition.

The learned counsel for the revision petitioners submitted that the Ex.A-1, possessory agreement of sale, is irrelevant and inadmissible document and the Court below, without proper appreciation of the same, erroneously dismissed the application.

Heard.

As could be seen from the record, the suit is filed for specific performance based on Ex.A-1, possessory agreement of sale, wherein clearly recited that the property was delivered. The respondent in the said application expressed his willingness to pay necessary Court fee. Taking into consideration the submissions made by the learned counsel on either side, the Court below dismissed the application and directed the respondent to pay requisite stamp duty and penalty as it is treated as if it is a sale deed.

In that view of the matter, I do not see any reason to interfere with the impugned order and therefore, the revision petition is liable to be dismissed. Accordingly, the revision petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, stands dismissed.

JUSTICE G.CHANDRAIAH

Date: 19.06.2015

LSK