

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

-

CRP Nos.3054 & 3051 of 2015

COMMON ORDER:

These civil revision petitions are filed against the interlocutory orders passed in suit OS No.14 of 2010 on the file of III Addl. District Judge, Nandyal. CRP No.3054 of 2015 arose against the order in IA No.677 of 2015, whereas CRP No.3051 of 2015 against the order in IA No.2292 of 2010.

2. To decide these revision petitions, it would suffice to advert to the facts in IA No.677 of 2015 against which CRP No.3054 of 2015 arose. Suit OS No.14 of 2010 is filed by the plaintiff-revision petitioner herein for a declaration that she is entitled to 1/9th share in the plaint schedule properties and for other allied reliefs. Some of the defendants in the suit filed IA No.677 of 2015 under Order 13, Rule 8 CPC r/w. Section 38 (2) and Section 40 of the Indian Stamp Act, to send the relinquishment deed dated 28-06-2002 alleged to have been executed by the plaintiff-revision petitioner, to the District Registrar, Nandyal, for impounding stamp duty and penalty.

By the impugned order, said IA was allowed by the trial Court. IA No.2292 of 2010 against which CRP No.3051 of 2015 arose, filed by the plaintiff-revision petitioner under Order 13, Rule 6 CPC to reject the document sought to be sent for impounding

stamp and penalty on the ground that it is inadmissible in evidence for want of payment of proper stamp duty and for want for registration, was dismissed by the trial Court.

3. Learned counsel for the petitioner strenuously contended that the deed dated 28-06-2002 is a fabricated document and it being unregistered, even if the defect is cured, by paying stamp duty, still it suffers from incurable defect of non-registration, as the deed is compulsorily registerable document under Section 17 of the Registration Act, it is inadmissible in evidence.

4. On the other hand, learned counsel for the respondents stated that inasmuch as the respondents-defendants were prepared to pay stamp duty and penalty over the document in question, the Court below rightly allowed the application.

5. Admittedly, the respondents themselves sought to send the relinquishment document dated 28-06-2002 alleged to have been executed by the petitioner-plaintiff for impounding stamp duty and penalty. Correctness or otherwise of the allegation of the petitioner that the deed dated 28-06-2002 is a fabricated one or not can be gone into at time of hearing of the suit, subject to marking the document. Impounding and paying stamp duty and penalty on the document in question is only compliance of the statutory requirement. No new rights are conferred nor taken away by impounding, except the fact that

the document has been impounded. In view of the same, I do no see any illegality or irregularity in the impugned order warranting interference by this Court. However, objection regarding registration can be taken at the time of marking the document and the same will be considered, as per law.

6. For the reasons stated above, both the civil revision petitions fail and they are accordingly dismissed. Miscellaneous petitions, if any pending shall also stand dismissed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated:09-10-2015

NRG

-
-
-
-

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

-

CRP Nos.3054 & 3051 of 2015

-

Dated: 09-10-2015

WEB

NRG

