

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

C.R.P.No.4215 of 2014

ORDER:

Heard Sri Narasimha Rao Gudiseva, learned counsel for the petitioners and Sri Sivalenka Ramachandra Prasad, learned counsel for the respondents.

2. This Revision Petition is filed challenging the Order dt.07-10-2014 in O.S.No.188 of 2006 of the Additional Senior Civil Judge, Machilipatnam rejecting the objection raised by the petitioner-defendant therein for marking of a document dt.07-01-2006 styled as '*Oppudala Patramu*' by respondent/plaintiff on the ground that the said document requires to be stamped and also requires registration.

3. The petitioners herein are defendants in O.S.No.188 of 2006 filed by the respondents/plaintiffs for cancellation of a registered sale deed dt.07-01-2006 and for recovery of the possession of the plaint schedule properties from 3rd petitioner herein and for other reliefs.

4. The respondent Nos.1 and 2 are the sons of one Muddineti Ranga Rao through his second wife by name Sarada. The first wife of late Muddineti Ranga Rao by name Padmavathi and his second wife Sarada are the

sisters by birth. Late Muddineti Ranga Rao got three daughters through his first wife and two sons i.e. plaintiffs and a daughter through his second wife. The 3rd petitioner herein is none other than the husband of Muddineti Ranga Rao's daughter by name Baby Kumari and petitioner Nos.1 and 2 are the children of 3rd petitioner. Thus the 3rd petitioner is the brother-in-law of the respondents-plaintiffs.

5. It is not disputed by the parties that their exists registered Will dt.18-08-2000 said to have been executed by late Muddineti Ranga Rao who admittedly died on 08-05-2005.

6. It is not disputed that under the said Will, Padmavathi was given life estate in the houses and vacant sites in Rajupeta, Bandar town during the lifetime of Muddineti Ranga Rao, and Sarada was given life estate in the houses and vacant sites at Circlepeta. After the lifetime of Sarada and Padmavathi, absolute rights were conferred on the respondents in respect of these properties. It was further stated that the amounts, payable under the life insurance policies taken by the deceased in the Life Insurance Corporation of India, wherein Sarada and Padmavathi were shown as nominees, would belong to the respondents-plaintiffs. Thus, as per the contents of the said Will, no properties had been allotted to the daughters of late Muddineti Ranga Rao.

7. The document in question dt.07-01-2006 contains recitals to the effect that the daughters of late Muddineti Ranga Rao although initially contemplated a challenge to the said Will and also got issued legal notice to the respondent Nos.1 and 2, subsequently accepted the contents of the said Will as genuine, on the advice of elders. It contains a statement by the daughters of Muddineti Ranga Rao that they accept the Will *in toto* and also state that they do not require any properties since they received amounts at the time of their marriages and are satisfied with it.

8. Learned counsel for the petitioners sought to contend that the statement in the said document that the daughters of late Muddineti Ranga Rao do not require any properties, amounts to relinquishment of their rights in the property of late Muddineti Ranga Rao, and therefore the said document requires stamp duty and registration.

9. I am unable to agree with the said submission.

10. The question of relinquishment of right in the property arises provided the person relinquishing has a right in the property. If the person said to be giving up right in the property admits that he /she has no right in the property in view of a Will executed by their father, there is no question of relinquishing anything in the property.

11. Therefore, I am of the opinion that the Court

below rightly held that the document in question did not create or extinguish any right in the properties of late Muddineti Ranga Rao and it therefore does not require any stamp duty or registration.

12. Therefore, I do not find any merit in the Civil Revision Petition and the same is accordingly dismissed. No costs.

13. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-06-2015

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