

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

Civil Revision Petition No.1530 of 2015

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Dated 12th June, 2015

Between:

Yejarla Papa Rao

...Petitioner

and

Yejarla Gagarin and another

...Respondents

Counsel for the petitioner: Sri M.Koteswara Rao

Counsel for the respondents: ---

The Court made the following:

ORDER:

This civil revision petition arises out of docket order, dated 12.02.2015, in O.S.No.50 of 2009, on the file of the learned Junior Civil Judge, Piduguralla, Guntur District, whereby he has refused to admit the document, dated 13.05.2002, sought to be produced by the petitioner in evidence on the ground that the same is a partition deed which requires registration and stamp duty.

I have heard the learned counsel for the petitioner and perused the record.

A copy of the document, dated 13.05.2002, placed before the Court at the hearing by the learned counsel for the petitioner shows that it is in the nature of a partition deed and not a partition list as pleaded by the petitioner. Though the

opening para of the document describes the same as partition list, immediately following paras disclose the true nature of the document. In the unnumbered second para of the document, it is clearly recited that till today, all the parties have been enjoying the properties jointly. In the unnumbered third para, it is recited that all the parties have intended to partition the properties and enjoy their respective shares, and in the presence of the mediators, they have agreed to partition the properties “as under”.

These recitals unmistakably show that the parties remained joint till 13.05.2002 and for the first time, under the document, they have partitioned the properties. Therefore, the lower Court rightly declined to admit the document into evidence as the same is unstamped and unregistered document which requires proper stamp duty and registration under the provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908.

For the above-mentioned reasons, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.2062 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

12th June, 2015

VGB