

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.2987 of 2015

ORDER:

This Civil Revision Petition is filed against the order dated 29.06.2015 in G.L.No.1813 of 2014 in O.S.No.363 of 2008 on the file of Principal Junior Civil Judge, Tiruvuru.

2. Heard.

3. The lower Court committed mistake in refusing to receive the three possessory sale agreements dated 16.02.1976, 15.02.1976 and 16.02.1976 respectively and the certified true copies of Pahanis/ Adangals of the fasali 1418 dated 29.08.2012 which undisputedly shown certified by the Mandal Revenue Officer. The Adangals once issued by the Mandal Revenue Officer are the public documents, within the meaning of Section 74 of the Evidence Act and they can be admitted without proof of signature of Tahsildar, as contemplated by Section 77 of the Evidence Act. But for any objection while disputing if at all of the correctness of the very entries to mark subject to such objection regarding proof and relevancy, leave about admissibility. So far as three possessory sale agreements are concerned, those are prior to the Andhra Pradesh Stamp Act amended by Act

21/ 1995 dated 01.04.1995 and the amendment is no way retrospective in operation to the earlier possessory sale agreements to make liable as conveyance from the Stamp Act Schedule 1-A, Article 6 and Schedule 1-A, Article 47-A explanation (1) with proviso. Thus, the possessory sale agreements of 1976 supra in question no way requires stamp duty more than Rs.5/- on each of the agreements and if not duly stamped then only liable for impounding with 10 times penalty for deficit and nothing beyond for no registration is required for these possessory sale agreements as on that day as the amendment to Section 17(g) of the Registration Act is only by Act 4/ 1999 w.e.f. 01.04.1999.

4. Accordingly, this Civil Revision Petition is allowed directing the lower Court to receive the documents and while marking any other objection relating to admissibility, relevancy and proof is subject to objection to decide ultimately vide decision of the Apex Court in Bipin Shantilal Panchal v. State of Gujarat¹. No order as to costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:29-08-2016
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¹ AIR 2001 SC 1158