

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4660 of 2016

ORDER :

This Civil Revision Petition is filed challenging the order dt.23.07.2016 in O.S.No.111 of 2011 on the file of Junior Civil Judge, Jangarerddigudem.

2. The petitioners herein are defendants in the said suit.
3. They filed the said suit for a permanent injunction against the plaintiffs.
4. During the course of evidence, the respondents wished to mark a consent letter dt.03.10.2008 and also a rough plan dt.20.10.2008. But the petitioners objected to the same.
5. By order dt.23.07.2016, the Court below held that the consent letter dt.03.10.2008 was insufficiently stamped and cannot be received in evidence in view of Section 35 of the Indian Stamp Act, 1899, but that the rough plan dt.20.10.2008 does not require any stamp duty and can be received in evidence.
6. The counsel for petitioners contended that once the consent letter is declared to be not receivable in evidence, the rough plan based on the consent letter also cannot be received in evidence.

7. I am unable to agree with the said submission, because the consent letter is dt.03.10.2008 and the rough plan is dt.20.10.2008.

8. No provision of the Evidence Act, 1872 or any other law which bars the Court from receiving in evidence the rough plan dt.20.10.2008 is placed before me. Therefore, I am of the opinion that the Court below did not commit any error in allowing the said rough plan to be received in evidence.

9. The counsel for petitioner alternatively contended that though in para no.6 of the order of the Trial Court, it held that the consent letter dt.03.10.2008 cannot be received in evidence, there is an observation in para no.5 that it can be received for collateral purpose. Since the ultimate decision of the Court is that the document dt.03.10.2008 cannot be received in evidence, even if any such observation as in para no.5 exists, the said document cannot be received in evidence.

10. With the aforesaid reasons, I do not find any merit in the Revision and it is accordingly dismissed. No order as to costs.

11. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-10-2016

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