

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.1398 of 2016

ORDER :

This revision is preferred against order dated 09.11.2015 in O.S.No.154 of 2014 on the file of III Additional Junior Civil Judge, Kadapa, with regard to admissibility of alleged agreement of sale dated 27.01.2007.

2. O.S.No.154 of 2014 is filed for specific performance of contract on the basis of alleged agreement of sale dated 27.01.2007 and when plaintiff sought to get the document exhibited, defendants i.e., revision petitioners herein raised objection on the ground that the alleged agreement of sale is not containing schedule, extent and boundaries, besides that other objections were also taken and the Court below discarding those objections, permitted plaintiff to mark the agreement of sale dated 27.01.2007. Aggrieved by the same, present revision is preferred.

3. Heard both sides.

4. Advocate for revision petitioners submitted that the Court below having recorded that the document suffers with deficiency of stamp duty ought to have collected stamp duty and penalty or ought to have send the document for impounding and without doing these acts, the Court below permitted plaintiff to exhibit the document

with deficiency of stamp duty. He submitted that as the Court below erred in permitting plaintiff to mark the document, which is insufficiently stamped, the matter may be remitted back to the Court below giving opportunity to the parties to raise the legal objections with regard to the document and to decide the same afresh.

5. Advocate for plaintiff has not objected for the said proposal but submitted that plaintiff may also be given an opportunity to answer the objections to be raised by defendants i.e., revision petitioners in respect of legal aspects.

6. Considering the submissions of both sides and the fact that the Court below having recorded that the agreement suffers with deficiency of stamp duty, allowing such document to be marked is an error committed, therefore, the impugned order dated 09.11.2015 is liable to be set aside. Court below is directed to reconsider the objections already raised and permit the parties to take the legal objections and decide them in accordance with law without being influenced by any of the observations made earlier.

7. For these reasons, this revision is allowed and the impugned order dated 09.11.2015 is set aside and the matter is remitted back to the Court below for fresh consideration in the light of observations indicated above.

8. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

1st July 2016.

Note:

Issue C.C. by 04.07.2016.

(b/o)

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