

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.No.1024 OF 2011

ORDER:

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This revision is filed against the order, dated 10-02-2011, passed in O.S.No.761 of 2006, whereby the trial Court overruled the objection raised by the petitioner for marking of agreement of sale, dated 31-07-2003, which was written on stamp paper of Rs.100/-.

Learned counsel for the petitioner submits that when the agreement of sale coupled with delivery of possession is liable to be charged by impounding in view of Article 47-A of Stamp Act, as if it is a sale deed and unless the said document is impounded by paying stamp duty, the same cannot be admitted into evidence. As such, the order passed by the trial Court is erroneous.

In this case, the trial Court found that the agreement of sale provided that delivery of possession to enable them to start development work and the agreement of sale reveals that absolute possession was not delivered and only the land was delivered to the plaintiffs for development. As such, by relying on the judgment of this Court in **S.Vijayalakshmi v. Boyapali Santhamma and another**^[1], overruled the objection of the petitioner. Since the trial Court relied on the judgment of this Court cited supra and after finding that possession was not absolutely delivered to the plaintiffs and the same is given for developmental work, I do not want to interfere with the order passed by the trial Court.

Accordingly, the revision petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in this revision, shall stand closed.

A.RAJASHEKER REDDY,J

01-03-2016
nvl

[\[1\]](#) 2002(5) ALT 406