

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No. 4474 of 2016

ORDER:

Petitioners herein are the defendants in O.S.No.22 of 2006 on the file of the Senior Civil Judge, Kandukur. The respondent herein filed the suit for partition of 'A', 'D', and 'E' schedule properties into two equal shares and separate possession of one such share, and for permanent injunction restraining the petitioners-defendants from interfering with his possession and enjoyment of 'B' schedule property.

When the evidence of the petitioners-defendants was being taken, the petitioners marked certain documents and one such document was a memorandum of partition deed, dated 05.06.1981. When the counsel for the respondent-plaintiff raised an objection with regard to the marking of the said document, an order was passed on 15.09.2015 holding that such document requires stamp duty and penalty. After passing the said order, the petitioners filed I.A.No.1682 of 2015 with a prayer to send the memorandum of partition deed, dated 05.06.1981, to the District Registrar, Markapur to impound the document by collecting stamp duty and penalty.

The Trial Court by order, dated 23.08.2016, dismissed I.A.No.1682 of 2015 on the ground that since an order was already passed on 15.09.2015, if the document is impounded, it would only cure the defect of stamp duty and penalty, but does not cure the defect of registration, and further, even the defect of stamp duty and

penalty is cured, the document cannot be received in evidence, as the suit is filed for partition.

In view of the reasoned order passed by the trial Court, this Court is not inclined to interfere with the same.

The civil revision petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this revision shall stand closed. There shall be no order as to costs.

Dt:23.12.2016

kdl



A.RAMALINGESWARA RAO,J