

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.3063 of 2016

ORDER :

Heard the counsel for petitioner. None appears for respondents.

2. This Revision is filed challenging the order dt.03.06.2016 in O.S.No.160 of 2008 on the file of Principal Junior Civil Judge, Narsapur, West Godavari District, Andhra Pradesh.

3. The petitioner herein is plaintiff in the above suit.

4. During the course of evidence of respondents/defendants, the defendants sought to mark a document, dt.22.07.1969, wherein right to take usufruct from a mango garden for a period of five (05) years for a sum of Rs.1000/- is mentioned.

5. This was objected to by petitioner herein on the ground that the document in question is unregistered and it cannot be received in evidence.

6. The Court below allowed the said application, and permitted the respondents to mark the document in evidence while observing that they would have no right to prove the terms and recitals of the document. It held that possession of the land was not given either for cultivation or to occupy the property under the said document, and only a right to take the usufruct of the garden was given. It thus

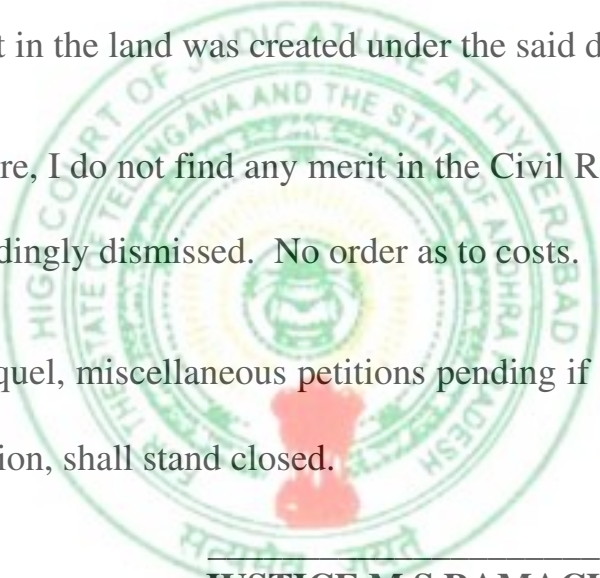
restricted the marking of the document only for the purpose of proving the nature of possession.

7. Though the counsel for petitioner sought to contend that the document in question was unregistered and that interest in land is created under the said document, I do not agree with the said submission.

8. As rightly held by the Trial Court, only usufruct of the mango garden for a period of five years was given under the said document, and no interest in the land was created under the said document.

9. Therefore, I do not find any merit in the Civil Revision Petition, and it is accordingly dismissed. No order as to costs.

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



JUSTICE M.S.RAMACHANDRA RAO

Date: 23-09-2016

Ndr/*