

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.267 of 2016

ORDER:

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This Revision is filed challenging the order dt.01-10-2015 in I.A.No.261 of 2009 in O.S.No.379 of 2003 of the Principal Senior Civil Judge, Warangal.

2. The petitioner herein is defendant in the suit. The said suit was filed by respondents for declaration of title of the deceased

1st respondent and for recovery of possession of the property.

3. The petitioner took a plea that he is in possession of the property under two simple sale deeds dt.02-04-1972 and 15-04-1986 and he sought to mark them in his evidence. These two documents are not registered.

4. By order dt.10-09-2009, the trial Court refused to allow the petitioner to mark these two documents on the ground that they are unregistered and upheld the objection of respondents in marking those documents. No doubt there is an observation therein that even for collateral purpose, the unregistered sale deeds cannot be marked.

5. The petitioner filed I.A.No.261 of 12009 to review the said order contending that unregistered documents can be admitted for collateral purpose.

6. This Review petition was also dismissed by the Court below. It observed that the suit itself is filed for recovery of possession. So the petitioner cannot say that he wants to mark these unregistered sale deeds for collateral purpose for proving the possession. It held that these two unregistered sale deeds cannot be utilized by petitioner to prove his title.

7. Challenging the same, this Revision is filed.

8. Learned counsel for petitioner contended that even though the suit is filed for recovery of possession and respondents admit his possession, he is entitled to mark these two unregistered sale deeds for collateral purpose.

9. The only collateral purpose, in the facts and circumstances of the case, can be to prove the possession of petitioner, which is not in dispute herein. Therefore obviously the petitioner wants to mark these two documents to establish his title to the property, which cannot be said to be a collateral purpose.

10. Therefore, I am of the opinion that the Court below was correct in refusing to mark these two documents in

dismissing I.A.No.261 of 2009.

11. The Civil Revision Petition is without any merit and it is accordingly dismissed. No costs.

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

JUSTICE M.S. RAMACHANDRA RAO

Date: 19-02-2016

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