

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

C.R.P.NO.4749 OF 2015

O R D E R

Heard both the counsel.

The plaintiff filed the suit in O.S.No.42 of 2012 on the file of Principal Junior Civil Judge, Nandigama for specific performance of the agreement of sale and the plaintiff got examined herself as P.W.1 and got marked the alleged possessory agreement of sale as Ex.A-1 and subsequently, based on the interlocutory application filed by the plaintiff, it was impounded and the stamp duty and penalty was collected. Now the defendants 1 to 3 filed the present I.A.No.173/2015 in O.S.No.42 of 2012 under Section 35 of the Indian Stamp Act and Section 17 of the Registration Act, Order 13, Rules 3, 4 and Section 151 of C.P.C. for rejecting Ex.A-1 as it is admissible in evidence for want of registration.

From the material on record it could be seen that when the document was sought to be impounded and sent for collection of stamp duty and penalty, the defendants did not raise any objection and the same was marked. However, it is well settled that mere marking of the document does not preclude the other party from questioning its admissibility at a later stage and it is for the trial court to consider the objection at an appropriate stage and pass orders on merits. Subjection to this observation, the revision petition is dismissed. No costs.

Miscellaneous petitions pending if any, shall stand closed.

29—01—2016

AVS