

THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.2567 OF 2016

ORDER:

Heard Mr. O. Manohar Reddy for petitioner.

2. The revision is directed against the order dated 01.04.2016 in O.S.No.195 of 2008 in the Court of Junior Civil Judge, Nandikotkur. The revision petitioner raised an objection against marking of Ex.A1, partition gift deed dated 29.08.1983 under the Registration Act.

3. The admitted and undisputed circumstances are that on previous occasion, at interlocutory stage, the revision petitioner raised objection against the legality and admissibility of the partition gift deed dated 28.09.1983. The objection was considered and decided in CRP.No.3382 of 2010. The trial Court after taking note of the fact that stamp duty and penalty are paid, the objection at the instance of the revision petitioner was held not maintainable and overruled the objection. Hence, the revision.

4. Counsel appearing for petitioner contends that the consideration and adjudication on the admissibility of document dated 29.08.1983 cannot and could not be understood as comprehensive adjudication by this Court but it has to be confined for the limited purpose of considering the said document at interlocutory stage. Counsel further contends that from a bare reading of the recitals, it is clear that the document is required to be registered under Section 17 of the Registration Act, the want of registration affects the validity of document in all fours and liable to be rejected by upholding the objection.

5. I have perused the order impugned in the revision petition.

At the outset, it is required to be noted that the learned trial Judge has taken note of the objection in all its fairness and appreciated the grounds urged against admissibility of the document. As rightly noted by the trial Court, this

Court, while disposing of the revision petition, has observed “*disposal of the interlocutory application or suit*”.

The objection now taken was considered and adjudicated.

Therefore, the petitioner herein cannot introduce objections in a phased manner.

The civil revision petition fails and is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

June 14, 2016
DSK