

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.902 OF 2013

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, challenging the order in O.S.No.116 of 2010 dated 17.12.2012 passed by the Senior Civil Judge, Punganur, rejecting admission of document partition list in evidence on the ground that it is unregistered and unstamped.

The petitioner tendered a document styling it as a partition list, recording the previous oral partition. But, a petition was raised before the Court by the 2nd respondent about admissibility of the document on account of non-registration and insufficient stamp duty payable on the document. Therefore, the Trial Court after examining the issue, relying on several judgments, concluded that the document is inadmissible, as it is subsequent to amendment of the Indian Stamp Act by the A.P. Amendment Act 17 of 1986 which came into force with effect from 16.08.1986 and this question is no more *res integra*, in view of the judgment of this Court reported in **Lakkoji Mohana Rao v. Lakkoji Viswanadham**¹. This Court, advertent to A.P. Amendment Act 17 of 1986, concluded that the instrument includes both partition deed and list. Therefore, the document is inadmissible for any purpose, including collateral purpose and the judgment of this Court is binding on this Court, though it is by a learned Single Judge.

¹ 2012 (3) ALT 476

Learned counsel for the petitioner, though raised several contentions did not bring to my notice any other judgment of this Court or Apex Court, which dealt with the provisions of Stamp Duty subsequent to A.P. Amendment Act 17 of 1986. In the absence of any other judgment, contrary to the law declared by this Court, I am bound by the judgment passed by this Court and by a co-ordinate Bench.

Hence, I find no ground to interfere with the order passed by the Trial Court and thereby, the revision is liable to be dismissed, as the power of this Court is limited under Article 227 of the Constitution of India, which is supervisory in nature.

In the result, the civil revision petition is dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.



JUSTICE M. SATYANARAYANA MURTHY

Date:15.06.2017

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