

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.5705 of 2016

ORDER:

Aggrieved by an order passed by the trial Court in the course of evidence, holding a document conferring an easementary right, to be one, which does not require stamp duty and penalty, the defendant has come up with the present revision.

2. Heard Mr. Ch. Samson Babu, learned counsel for the revision petitioner.

3. Admittedly the document sought to be marked by the respondent was styled as "Easement Dhastaveju". An easementary right is akin to a licence defined in Section 52 of the Indian Easements Act, 1882. There is no transfer of property and it is not compulsorily registerable, as held by the Supreme Court in *Santosh Jayaswal v. State of M.P.* ((1996 (1) ALT 26 SC). Therefore, the trial Court was right in dismissing the objections of the petitioner. I find no illegality or irregularity in the order warranting interference of this Court.

Accordingly, the Civil Revision Petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 27-01-2017

Ksn