

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No. 5075 OF 2017

ORDER :

This Civil Revision Petition is filed against order dated 06.06.2017 in I.A.No.137 of 2017 in O.S.No.350 of 2009, wherein the Court below has dismissed the application filed by the petitioners herein under Section 33 of Indian Stamp Act r/w Section 151 CPC requesting the Court to send the unregistered lease agreement dated 30.04.1988 to the District Registrar, Bhimavaram for impounding on the ground that the original unregistered lease deed dated 30.04.1988 is not before the Court.

Learned counsel for the petitioners, by relying on the orders in I.A.No.1018 of 2009 in O.S.No.350 of 2009 dated 18.01.2010, submits that the said document is marked as Ex.P10 and in the appendix of evidence also, the same was brought to the notice of the Court below, but the Court below, without considering the same, impugned order is passed stating that the Xerox copy of the document cannot be sent for impounding, which is erroneous.

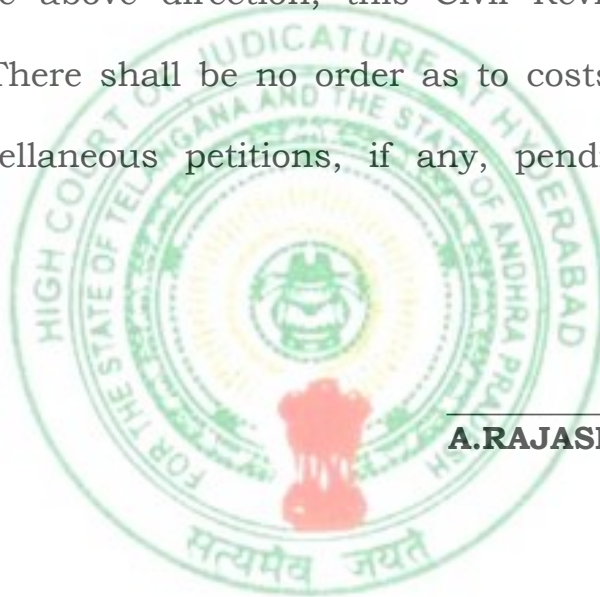
On the other hand, learned counsel appearing for respondents, by referring to para 33 of the order dated 18.01.2019 in I.A.No.1018 of 2009, submits that Ex.P10 is not an unregistered lease agreement and it is shown as a representation made by the petitioners and other joint owners to the District Collector, West Godavari, Eluru with a request not to conduct auction in respect of the plaint schedule tank.

Learned counsel for petitioners states that the unregistered lease deed is very much marked as Ex.P10 and same is seriously disputed by the learned counsel for the respondents.

Having regard to the facts and circumstances of the case, the impugned order dated 06.06.2017 is set aside and the Court below is directed to consider the application afresh, if the original unregistered lease agreement dated 30.04.1988 is found in the records of the Court either in I.A.No.1018 of 2009 or in the main suit, and pass orders accordingly.

With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

15-11-2017
kvs



A.RAJASHEKER REDDY,J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Civil Revision Petition No.5075 OF 2017



Date: 15.11.2017

kvs