

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No.4817 OF 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, came to be filed assailing the order dated 29.08.2017 passed in O.S.No.86 of 2009 by the IV Additional District Judge, Tirupati, whereby and whereunder, the learned trial Judge refused to mark the unregistered relinquishment deed dated 11.07.1981.

Heard the learned counsel for the petitioner. Since this Court is not going pass any adverse orders against the respondents, there is no necessity to issue notice to them and the revision petition is disposed of at the stage of admission itself.

The facts in issue are as follows:

Respondent No.1 herein filed O.S.No.86 of 2009 seeking partition of plaint schedule properties into three equal parts. In the said suit, after completion of entire evidence, the matter was posted for arguments on 11.08.2017. At that time, the defendants sought for marking of three documents including the unregistered relinquishment deed dated 11.07.1981. The same was opposed by the plaintiff, contending that the document dated 11.07.1981 requires stamp duty and registration. After hearing both sides, the trial Court marked two documents dated 24.06.1981 and 15.07.2006 as Exs.B.1 and B.2, however, refused to mark the said document on the ground that it is compulsorily registerbale and insufficiently stamped. Aggrieved by the same, the present revision came to be filed.

Learned counsel for the petitioner submits that it is the duty of the Court to impound the document filed by the petitioner though not sought for. In support of the same, he relied upon the decision of this Court in ***Trinadha Patro vs. Lingaraj Rana***¹.

It is to be noted here that in the case referred to above, the request of the petitioner was for impounding the document, which is an unregistered document. The refusal to accept the request was held to be unsustainable. But, the situation in this case is totally different. In the present case, no request is made for impounding the document. Hence, the decision relied upon by the petitioner would not come in the rescue of the petitioner.

As seen from the contents of the application filed by the petitioner before the Court below, he sought leave of the Court for production of three documents dated 24.06.1981, 15.07.2006 and 11.07.1981 and to receive the same by condoning the delay. It is stated that though the documents dated 24.06.1981 and 15.07.2006 were marked as Exs.B.1 and B.2, the trial Court refused to mark the document dated 11.07.1981 on the ground that the document, being a relinquishment deed, is compulsorily registerable by virtue of Section 17 of the Registration Act.

Having regard to the above and since the document, which is now sought to be marked, is an unregistered document written on five rupees non-judicial bonds and the same being insufficiently stamped, which requires compulsory registration, I do not see any reason to interfere with the impugned order. However, it is always open to the petitioner to take steps for impounding the document,

¹ 2015 (6) ALD 617

if permissible under law provided the proceedings are still pending before the trial Court.

With above observations, the Civil Revision Petition is dismissed.

Consequently, miscellaneous petitions pending in this revision, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

15.09.2017

Note : Issue C.C. by 18.09.2017
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