

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.4306 of 2017

Date 31.08.2017

Between:

Korsapati Sujatha.

... Petitioner

AND

Mannam Venkateswarlu and others.

.....Respondent



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 4306 of 2017

ORDER:

This revision is filed against the docket order dated 14.06.2017 passed in O.S.No.93 of 2010 on the file of Senior Civil Judge, Kavali, refusing to mark the sale deed dated 27.06.1996.

It is the case of the petitioner that PW.1 is none other than her husband; in terms of the judgment of this Court in **Ramesh Agencies, Guntur rep. by Sole Proprietorix, Smt P.Anasuyadevi (died) per LRs v. Andhra Pradesh Cooperative Oil Seeds Growers Federation Limited, Hyderabad¹**, it is always open to record evidence on behalf of spouse; and not allowing to mark the sale deed in which the petitioner – plaintiff is beneficiary is not legal. Hence the revision.

The Court below, after considering the submissions, discussed legality in the order. While refusing permission to mark the document through PW.1, the Court below had categorically observed that marking of the document is not being done in accordance with the procedure prescribed by examining someone connected to the document like scribe, parties to the document or attestor; and a fine distinction was also drawn to the effect that there was differentiation between the competency of witness and a witness

¹ 2006 (4) ALT 355

competent to mark the document. Admittedly, PW.1 not being connected to the document, the same could not be marked through PW.1.

In the circumstances, there being no infirmity in the impugned order, the Civil Revision Petition is dismissed. However, it would be open for the petitioner to mark the document through competent witnesses.

Miscellaneous petitions pending, if any, shall stand disposed of.

Date:31.08.2017
usd

CHALLA KODANDA RAM,J

