

HONOURABLE DR JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No. 1601 OF 2017

ORDER:

The revision came up for admission maintained by the plaintiffs against the order of the learned Junior Civil Judge, Kodad dated 06.12.2016 in O.S.No.110 of 2012 in the course of recording evidence of P.W.1 from the objection raised by the defendants for marking of the so called gift settlement deed unregistered not duly stamped, the contention raised by the plaintiffs was that in the temporary injunction application I.A.No.299 of 2012 it was already marked as exhibit and no more objection is left open on admissibility from want of stamp duty and registration.

In fact it was in the injunction petition marked only for reference and against the injunction order, C.M.A.No.10 of 2013 was maintained before the II Addl.District Judge, Nalgonda, at Suryapet, dated 28.07.2014 and also C.R.P.No.3833 of 2014 covered by the order of another Bench of this Court dated 27.11.2014 dismissing the temporary injunction confirmed in appeal and revision respectively, where also there are certain observations against the admissibility of the document to look into the contents.

In view of the same and even there is collateral purpose for which a document not duly registered u/ sec.17 of the Registration Act, can be admitted as per Section 49 of the Registration Act, more particularly as to nature of possession, said question arises to

consider only if it is duly stamped. Thus without payment of stamp duty and penalty, the document cannot be exhibited, as collateral purpose is unknown to the Stamp Act.

Having regard to the above, the objection raised on admissibility in exhibiting the document before the lower Court and upheld by it holds good. The remedy of the petitioners/ plaintiffs, if any, is to ask for referring the document to the District Registrar, for impounding following the expression in *Chilakuri Gangulappa V. Revenue Divisional Officer, Madanapalle*¹. Needless to say, it is after impounding by the District Registrar, the matter for consideration as to collateral purpose exists in the facts or not arise for consideration.

With the above observations, the revision before admission is disposed of however, upholding the order of the lower Court subject to above observations to work out any available remedies.

Consequently, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE B. SIVA SANKARA RAO

Dt. 07.04.2017.

Vvr.

¹ (2001) 2 MLJ 33(SC)