

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.5257 of 2017

ORDER:

Heard the learned counsel for the petitioner.

2. This Civil Revision Petition is filed under Article 227 of the Constitution of India by the petitioner assailing order dt.10-08-2017 in O.S.No.351 of 2005 of the Principal Senior Civil Judge, Eluru.

3. The petitioner is plaintiff in the said suit. The said suit was filed by the petitioner for cancellation of sale deed dt.26-06-2005 executed by 1st respondent in favour of 2nd respondent and to declare that he is the lawful owner of the plaint schedule property. Consequently permanent injunction was also sought.

4. After the evidence on the side of the petitioner was completed, 1st respondent went into the witness box as D.W.1 and intended to mark two documents (a) gift agreement dt.01-03-2002 and (b) *Angikara Patram* dt.09-05-2003.

5. The petitioner objected to the marking both the documents stating that they require registration. This objection was rejected by the Court below stating that the first document referred only to the past transaction of delivery of possession of the property to 1st respondent by way of *pasupu kunkuma* at the time of her marriage by the 1st defendant's mother, and the other document was executed

by 1st respondent's maternal uncle stating that he had no right in his mother's property; and both these documents do not create any right in favour of the 1st respondent in the disputed property and therefore they do not require any registration. He however permitted stamp duty and penalty to be paid thereon for admitting them in evidence.

6. Assailing the same, this Revision Petition is filed.

7. Learned counsel for the petitioner has produced both the documents before me and sought to contend that there is transfer of right in the property under the said documents and therefore they require registration and without such registration, they are not admissible in evidence.

8. Having perused both the documents, I am of the opinion that no right or interest in the property has been created under both these documents and that they do not require registration. Therefore, I see no error of jurisdiction in the order passed by the Court below warranting interference under Article 227 of the Constitution of India.

9. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-10-2017

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