

THE HON' BLE DR. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4148 OF 2015

ORDER:

This revision is filed by the petitioner/ plaintiff, aggrieved by the order dated 01.05.2015 in O.S.No.70 of 2012 passed by the Senior Civil Judge, Srikalahasti, Chittoor District.

Heard both sides and perused the grounds of revision and the order of the Court covered by the deposition of PW.1 chief examination dated 01.05.2015 in rejecting the certified copies of the registered sale deeds dated 12.05.2009 and 05.05.2009 in the suit for cancellation of the registered sale deeds, the certified copies of which already marked as Exs.A1 and A2 respectively dated 12.04.2012. In fact, those are undisputedly, the link documents and very deposition says that the learned counsel for the plaintiff stated that the original documents of the said two documents of May, 2009 were kept with a private party for security purpose and the plaintiff filed the registration extracts.

The rejection of the same by the lower Court is unsustainable, but for, if at all to mark subject to objection including as to admissibility of any secondary evidence, that too, when the three Judge Bench in Bipin Shantilal Panchal v. State of Gujrat¹ clearly stated that any objection other than for stamp duty and registration is to mark subject to objection regarding proof, admissibility and relevancy to decide ultimately.

¹ 1996 SCC (1) 718

Accordingly, the Civil Revision Petition is disposed of directing the lower Court to exhibit the documents subject to any objection and proceed further with the evidence of PW.1.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. There shall be no order as to costs.

DR. B. SIVA SANKARA RAO, J

Date: 08.12.2017
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