

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.7189 of 2017

ORDER : (ORAL)

Vide the present petition, petitioner has challenged the order dated 15.11.2017, passed by the IV Additional District Judge, Guntur, in I.A.No.1540 of 2017 in O.S.No.55 of 2010.

2. The petitioner has filed the aforesaid I.A. under Section 45 of The Indian Evidence Act, 1872 and Section 151 of CPC, praying the Court to send the stamp papers/Exs.A-5 and A-6 to India Security Press, Nasik, Maharashtra for examination and opinion.

3. In the aforesaid I.A., it is alleged that the documents/Exs.A-5 and A-6 relied upon by the respondent-plaintiffs, are suspicious and ambiguous and they cannot be considered. PW-1 has stated that Ex.A-5 appears to be of the year 1958, but, the stamp papers of Ex.A-6 appears to have been sold in the year 1988. Hence, it is necessary to send them to the Government Printing Press, Nasik, to ascertain the date of purchase.

4. The respondents contended in their counter affidavit that when in the documents, it is clearly visible that the stamps were purchased in the year 1958, it is to be presumed that the documents were executed registered on the said stamps. Therefore, there is no necessity to send them for examination.

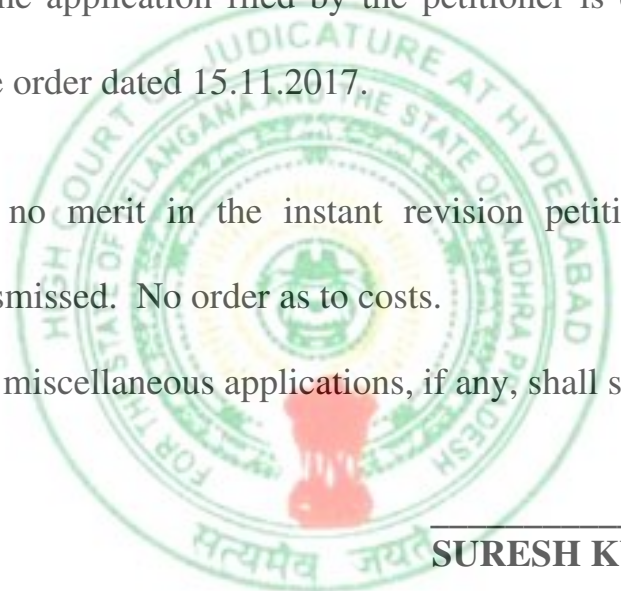
5. The trial Court, after perusing the record, opined that on Exs.A-5 and A-6, there are round stamps of Registrar office with date on each

page, which clearly establishes that they were of the year 1958. It is observed by the trial Court that though one or two stamps are with light stamp ink, but it is clear that they are of the year 1958 and the documents were executed on them subsequent to 1958 i.e. Ex.A-5 in 1959 and Ex.A-6 in 1960.

6. It is not in dispute that plaintiffs contended in their evidence that the stamps are of the year 1988, but, when the documents are with clear stamps of the year 1958, the documents prevail over the oral evidence. Accordingly, the application filed by the petitioner is dismissed by the trial Court vide order dated 15.11.2017.

7. Finding no merit in the instant revision petition, the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.



SURESH KUMAR KAIT, J

22nd December, 2017

ajr