

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.167 OF 2018

ORDER:

1 This petition is filed under Article 227 of the Constitution of India assailing the order dated 28.12.2017 passed in I.A.No.275 of 2017 in O.S.No.73 of 2008 on the file of the Court of the Junior Civil Judge, Kodangal.

2 Heard the learned counsel for both parties.

3 A perusal of the record reveals that the respondent herein filed O.S.No.73 of 2008 on the file of the Court of the Junior Civil Judge, Kodangal against the petitioner for declaration and consequential relief of removing the name of the defendant in ROR. During the pendency of the suit, the petitioner filed I.A.No.275 of 2017 to mark the agreement of sale and receipt dated 23.6.2004, agreement – cum – receipt dated 05.02.2005, Form No.10, C.C. of amendment register, original Form No.13-B issued by the MRO, Kodangal. The trial court, after affording reasonable opportunity to both parties, dismissed that Petition. Hence the present Civil Revision Petition.

4 A perusal of the record reveals that the respondent filed suit against the petitioner for declaration in respect of an extent of Ac.3-00 in SyNo.79/A2 of Rudraram village, Kondangal Mandal, Mahabubnagar district. The petitioner filed petition under Section 151 CPC to receive agreement of sale and receipt dated 23.6.2004, agreement – cum – receipt dated 05.02.2005, Form No.10, C.C. of amendment register, original Form No.13-B. The trial court dismissed the petition on the ground that Form No.13-B cannot be received in evidence in view of the judgment in **K.Ravinder Goud and**

others vs. Bhavanarishi Co-Operative House Building Society, Hyderabad¹.

5 The trial court has not given any finding with regard to the other documents filed by the petitioner. So far as agreement of sale is concerned, the trial court has to give a specific finding whether the same is admissible or not. The court has not given an specific finding on the receipts dated 23.06.2004 and 05.02.2005.

6 In view of the facts and circumstances of the case, the finding of the trial court so far as the Form No.13-B certificate is concerned, is upheld. However, the matter is remitted back to the trial court to decide whether the agreement of sale and receipts dated 23.6.2004, 05.02.2005, are admissible in evidence or not, after affording reasonable opportunity to both parties.

7 Accordingly, the Civil Revision Petition is allowed in part. No order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: July 27, 2018
Kvsn

¹ 2003 (5) ALD 654 (DB)