

THE HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.566 of 2018

ORDER:

This revision under Article 227 of the Constitution of India is filed by the defendants 1 to 6 and 10 to 13 in O.S.No.51 of 2014 and petitioners in I.A.No.158 of 2016 and in I.A.No.299 of 2017, questioning the orders dated 15.12.2017 passed by the Senior Civil Judge, Shadnagar (which will hereinafter referred as trial Court) whereby the trial Court rejected the request of the petitioners to mark the document i.e., simple sale deed dated 02.04.1991 (unregistered sale deed) as exhibit on behalf of the defendants/petitioners.

2. The petitioners filed a petition under Section 151 of Code of Civil Procedure to adjudicate the objection raised by the respondents for marking the certified copy of the alleged private sale deed dated 02.04.1991 alleging that the petitioners and respondent No.1, in I.A.No.151 of 2016 and plaintiff No.1 filed suit and the respondent 1 to 6 therein, the petitioners therein have filed a petition under Section 65 of the Indian Evidence Act to permit them to lead secondary evidence i.e., the certified copy of the unregistered sale deed dated 02.04.1991 on the ground that the petitioner filed I.A.No.334 of 2010 to summon the file pertaining to file No.B/392/05 from the Tahsildar, Keshampet. On receipt of summons, the Tahsildar, Keshampet, addressed a letter to the trial Court dated 26.11.2014 informing that the file was not traced.

3. The petitioners 1 to 6 herein got the Xerox copy of the said sale deed certified by the office of Tahsildar and sought to mark the document in evidence. Later on the observation of the High Court in CRP No.4525 of 2015, they were given liberty to lead secondary evidence on the said document. The said petition was allowed by this Court on 25.07.2017, and thereby the respondents 1 to 6 therein are intending to get the said document marked as exhibit.

4. The main contention of the petitioner before the trial Court/respondents herein is that the document is inadmissible in evidence as it is written on one rupee stamp paper but the sale consideration mentioned therein was Rs.12,300/- and possession of the property was delivered under the document. Therefore, the private sale deed cannot be marked in view of Article 47A of Schedule 1A (A.P. Amendment) of Indian Stamp Act; and that the unstamped document or insufficiently stamped document cannot be marked in evidence, and mere permission to adduce secondary evidence is not sufficient to admit the document in evidence.

5. The respondents therein / petitioners herein filed counter interalia alleging that there is no merit in the petition; that the petitioner herein was permitted to adduce secondary evidence by order dated 04.05.2015 and accordingly they filed petition to lead secondary evidence in I.A.No.158 of 2016 and the trial Court by order dated 25.07.2017 permitted the petitioners herein to let in secondary evidence but the respondents without challenging the order passed by the trial Court in I.A.No.158 of 2016 filed a petition before the trial Court questioning the admissibility of the document as it is unregistered sale deed and unstamped document and when the permission is granted to let in secondary evidence as the original was not traced in Tahsildar's office, the same is bound to be admitted, more particularly when the document is regularized by invoking Section 5A of the A.P. Rights in Land and Pattadar Passbooks Act (for short, 'ROR Act') and that the objection raised by the respondents before this Court is not tenable and therefore dismissed the petition. The trial Court framed a point for consideration whether the petitioners are entitled to seek relief as prayed for without indicating the point to be decided.

6. Upon hearing the arguments of both the counsel, the trial Court after considering the material on record and the law laid down by various High Courts

allowed the petition and declined to mark the simple sale deed dated 02.04.1991 as exhibit on the ground that it is not sufficiently stamped document and unless stamp duty and penalty is paid, the same cannot be admitted in evidence on behalf of the petitioners in the main suit.

7. Aggrieved by the order, the present revision under Article 227 of the Constitution of India is filed mainly contending that I.A.No.158 of 2016 filed under Section 65 of the Indian Evidence Act was allowed by the trial Court permitting the petitioner to adduce secondary evidence as the original of simple sale deed dated 02.04.1991 is not traceable since the petitioner has already paid stamp duty and penalty under Section 5A of the ROR Act. But the trial Court failed to consider the order passed in I.A.No.158 of 2016 while deciding the objection raised by the respondents herein as to the admissibility of the document. The trial Court also failed to consider the order passed by the Tahsildar under Section 5A read with Section 13B and 13C of the ROR Act and committed an error in declining to admit of the document dated 02.04.1991 and thereby the order passed by the Court below is illegal and requested to set aside the same.

8. During hearing, the learned counsel for the petitioner Sri P. Shivakumar vehemently contended that the trial Court granted permission vide orders in I.A.No.158 of 2016 permitting the petitioner to let in secondary evidence, denial of opportunity to mark the same by adducing evidence is a serious illegality and apart from that, the issue of stamp duty, registration fee etc., were already complied under Section 5A of the Act and Form 13B and 13C were also issued in favour of these petitioners; in such case, rejection of document to admit in evidence on the ground that it was not properly stamped or insufficiently stamped is not a valid ground and thereby the order passed by the trial Court is illegal and requested to set aside the same.

9. Per contra, the counsel for respondent contended that the document sought to be marked before the trial Court is only a Xerox copy and it is not known whether the petitioners paid any stamp duty and penalty alleged to have been paid by the petitioners, that would not amount to payment of stamp duty and penalty, and it is hit by Explanation 1 to Article 47A of Schedule 1-A of the Indian Stamp Act (AP Amendment). Learned counsel placed reliance on various judgments of this Court and one judgment of the Apex Court, has drawn the attention of this Court in V. Krishnaiah and Ors. v. Joint Collector and Ors.¹; Chandabolu Bhaskara Rao v. Betha Saidi Reddy²; Akkam Laxmi v. Thosha Bhoomaiah and Ors.³; Obelisetty Ramanadham v. Obelisetty Bhaskar Rao and Ors.⁴; Hairom Agrawal v. Prakash Chand Malviya⁵; and the unreported judgment of this Court in CRP No.1631 of 2018.

10. On the strength of the principles laid down in the above judgments, the learned counsel for the respondent sought dismissal of the petition confirming the order passed by the Court below while exercising power of this Court under Article 227 of the Constitution of India.

11. On considering the material available on record, the sole point that arises for consideration is as follows:

Whether the unregistered and insufficiently stamped sale deed effecting rights in immovable property when regularized by invoking Section 5A of the ROR Act, can be admitted in evidence?

12. This revision petition is filed under Article 227 of the Constitution of India and the scope of jurisdiction of this Court under Article 227 is limited. The Apex Court in K.V.S. Ram v. Bangalore Metropolitan Transport Corporation⁶;

¹ 2007 (3) ALD 391

² 2006 (4) ALD 572

³ 2002 (4) ALD 808

⁴ 2008 (2) ALD 278

⁵ AIR 2008 SC 166

⁶ 2013 SCC 39

M/ s Estralla Rubber v. Dass Estate (Private) Ltd.⁷ highlighted the scope of jurisdiction of this Court under Article 227 of the Constitution of India.

13. This revisional jurisdiction under Article 227 of the Constitution of India can be exercised only in limited circumstances. Before deciding the real controversy in dispute, I would like to discuss scope of jurisdiction of this court under Article 227 of the Constitution of India. This court can exercise revisional jurisdiction under Article 227 of the Constitution of India in limited circumstances and nature of the jurisdiction is supervisory over the subordinate courts or the tribunals under the control of the High Court. The power of revision under Article 227 of the Constitution of India is limited to find out whether the order under challenge, passed by the subordinate court or tribunal within their jurisdictional limits and the main intention of exercising both administrative and judicial control under Article 227 of Constitution of India is to keep them within the bounds of their jurisdiction and not to allow them to transgress their jurisdictional limits, but not otherwise. The Court can exercise jurisdiction under Article 227 of the Constitution of India under the following circumstances:

- “a) When the inferior court assumes jurisdiction erroneously in excess of power.
- b) When refused to exercise jurisdiction.
- c) When found an error of law apparent on the face of record.
- d) Violated principles of natural justice.
- e) Arbitrary or capricious exercise of authority or discretion.
- f) Arriving at a finding which is perverse or based on no material.
- g) A patent or flagrant error in procedure.
- h) Order resulting in manifest injustice.
- i) Error both on facts and law or even otherwise.”

Similarly, the Court cannot exercise its discretion under Article 227 of the Constitution of India in the following circumstances:

- "a) Where the only question involved is one of interpretation of deed;

⁷ (2012) 1 SCC 656

- b) On question of admission or rejection of particular piece of evidence, even though the question may be of everyday recurrence;
- c) To correct erroneous exercise of jurisdiction, as a Court of revision;
- d) To set aside an intra vires finding of the fact, except where it is founded on no material or is perverse;
- e) To correct an error of law, not being an error apparent on the face of the record;
- f) To interfere with the intravires exercise of discretionary power, unless it is violative of principles of natural justice;
- g) The Court shall not interfere on a merely technical ground which would not advance substantial justice."

Article 227 of the Constitution of India deals with power of superintendence conferred upon the High Court over Subordinate Courts and Tribunals. The power of superintendence of the High Court under Article 227 is not confined to administrative superintendence only, but includes the power of judicial revision also even where no appeal or revision lies to the High Court under the ordinary law, rather the power under Article 227 is wider than that of Article 226 in the sense that it is not subject to those technicalities of procedure or traditional fetters which are to be found in certiorari jurisdiction and such power can also be exercised suo motu. It is a well settled principle that the High Court can exercise supervisory power under Article 227 of Constitution of India, as held by the Apex Court in State (N.C.T. Of Delhi) v. Navjot Sandhu@ Afsan Guru⁸ that under Article 227 of Constitution of India the High Court can interfere with the directions of the Subordinate Courts.

14. The powers of the High Court under Article 227 of the Constitution of India can be exercised in circumstances enumerated above. Therefore, when the subordinate Court failed to exercise its discretion or committed an error while passing an order, or passed an order contrary to the principles of law, this Court can interfere with the findings of the subordinate Courts or Tribunals under its jurisdiction.

⁸ (34)2005 (3) ALT (CrI.) 125 (SC)

15. It is undisputed fact that the petitioners herein / respondents 1 to 6 before the trial Court have filed a petition in I.A.No.158 of 2016 seeking leave of the Court to adduce secondary evidence. The petition was allowed by order dated 25.07.2017 permitting the petitioners to adduce secondary evidence of the original of unregistered simple sale deed dated 02.04.1991. The order passed by the trial Court in I.A.No.158 of 2016 attained finality as it was not challenged before any competent Court by filing a revision.

16. When the document is sought to be marked in evidence, the respondents filed petition under Section 151 of Code of Civil Procedure raising objection as to the admissibility of the document in evidence on the ground that it was a possessory agreement of sale written on a one rupee stamp paper and it cannot be admitted in evidence unless Stamp duty and penalty is paid under Section 35 of the Stamp Act, in view of bar under Article 47A of the Indian Stamp Act.

17. No doubt this contention is tenable if the proceedings were not initiated under Section 5A of the ROR Act collecting stamp duty and registration fee to regularize the same, but the document was regularized by the Tahsildar exercising powers under Section 5A of the ROR Act, collecting stamp duty and registration charges vide Challan No.7337 dated 30.12.2005, for Rs.4070/-, and Challan No.7238 dated 30.12.2005 for Rs.370/-, and issued 13B and 13C proforma certificates.

18. The endeavour of the learned counsel for the petitioner is that when permission was granted vide order in I.A.No.158 of 2016 permitting the petitioner to adduce secondary evidence and the Tahsildar collected stamp duty and penalty under Section 5A of ROR Act regularizing the unregistered simple sale deed, the rejection of the document on the ground that it was not sufficiently stamped, is erroneous on the face of record. He has drawn the attention of this Court only to the documents which were marked before the trial

Court including Form No.13B and 13C and challans and orders passed in I.A.No.158 of 2016 and deposition of witnesses recorded by the Court to establish that the petitioner paid stamp duty and registration charges before the Tahsildar, Keshampet, under Section 5A of the Act. The payment of stamp duty and registration fee before the Tahsildar on the original of the simple sale deed dated 02.04.1991 is established by the petitioner and the letter addressed by the Tahsildar, Keshampet, bearing No.B/1722/130 would suffice to conclude that the original was not traced. Moreover, the petitioner was already permitted to adduce secondary evidence in pursuance of the order dated 02.04.1991 in I.A.No.158 of 2016. Therefore, this Court need not examine the admissibility of the document or permission to adduce secondary evidence since the order in I.A.No.158 of 2016 attained finality, but the only dispute is with regard to the admissibility of the simple sale deed dated 02.04.1991 in evidence.

19. The document sought to be marked is certified as True Copy and it was written on stamp paper worth one rupee, though the document indicates delivery on possession and the stamp duty and registration fee is paid under Section 5A of ROR Act, and therefore the defect of insufficient stamp duty is cured. When the petitioner paid stamp duty and registration charges as per the provisions of Section 5A of ROR Act, the original is liable to be admitted in evidence. When the original is admissible in evidence, the attested copy of the document can also be admitted in evidence.

20. The counsel for the respondent mainly contended that though permission was granted to adduce secondary evidence, unless the petitioners proved that the original is duly stamped, copy of the simple sale deed cannot be marked in evidence. The counsel would draw the attention of this Court to the judgment in Hari Om (referred supra) wherein the Apex Court held that a plain reading of Section 33, 35 and 2(14) of the Stamp Act that an instrument which is not duly stamped can be impounded and when the required fee and penalty has been

paid on such instrument, it can be taken in evidence under Section 35 of the Stamp Act. Sections 33 or 35 are not concerned with any copy of the instrument and party can only be allowed to rely on the document which is an instrument within the meaning of Section 2(14) of the Stamp Act. There is no scope for the inclusion of the copy of the document for the purposes of the Indian Stamp Act. Law is now no doubt well settled that copy of the instrument cannot be validated by impounding and this cannot be admitted as secondary evidence under the Indian Stamp Act, 1899.

21. Thus, by the law declared by the Apex Court, it is explicit that a copy of the document cannot be impounded and the original instrument as defined under Section 2(14) of the Stamp Act alone can be impounded by levying stamp duty and penalty and only on collection of such penalty and stamp duty, such document can be admitted in evidence.

22. In *V. Krishnaiah, Chandabolu, Akkam Laxmi* (judgments referred supra) a single Judge of this Court discussed the scope of Sections 33, 35 and 2(14) of the Indian Stamp Act, held that when the original instrument which is required to be stamped, in view of the peremptory language in Section 35 of the Act, shall not be allowed to be introduced in evidence when it is not duly stamped and a copy of it need not be stamped and cannot be acted upon in view of the bar contained in the second limb of Section 35 of the Act, allowing a copy of the instrument to be introduced as secondary evidence is nothing but circumventing the provisions of Section 35 of the Act. If a Xerox copy were to be permitted, it would certainly circumvent the mandatory provision of Section 35 of the Act. Therefore, notwithstanding the legal position that a copy of the instrument need not be stamped, the same cannot be permitted to be introduced by means of secondary evidence when the original itself is not duly stamped inasmuch as such a document cannot be acted upon.

23. The single Judge of this Court in unreported judgment in Civil Revision Petition No.1631 of 2018 dated 03.07.2018, while referring to the judgment in *Kiran Bansal v. T. Chandra Kala*⁹, considered similar questions and concluded that the revenue authorities issued validation certification under Section 5A of ROR Act in favour of the parties and issued a certificate in their favour. It is needless to say that while deciding interlocutory applications, the Court ought not to have expressed any opinion touching the merits of the main case. It is a settled principle of law that an unregistered sale deed cannot be received and marked in view of Section 17 of the Indian Registration Act. The petitioners are intending to mark the photocopy of the simple sale deed. When the simple sale deed itself cannot be marked in view of the legal embargo, question of marking photocopy of the same does not arise at all.

24. This legal position relied on by the counsel for the respondent with regard to the admissibility of the copy of the document, when the original is not duly stamped. But the circumstances of the present case are totally distinct. The petitioners produced document i.e., simple sale deed dated 02.04.1991 written on one rupee stamp paper, and the **Tahsildar** under Section 5A of the ROR Act validated the original of simple sale deed 02.04.1991 by collecting stamp duty and Registration fee. When the Tahsildar collected Stamp duty and registration fee, validated the simple sale deed under Section 5A of the Act, the admissibility of the copy of it on the ground that it was insufficiently stamped is impermissible since the petitioner established payment of stamp duty and registration fee under Section 5A of ROR Act, by producing satisfactory evidence.

25. When the document is validated by collecting stamp duty and registration fee it is deemed to be a registered document in view of Section 5A of the Act. Therefore, the original is admissible in evidence and when the original is admissible in evidence, the True Copy is also admissible in evidence.

⁹ 2016 (1) ALD 24 = 2015 (6) ALT 670

26. In both the judgments of the Apex Court, and the unreported judgment of this Court, it is clear that a copy of the document cannot be admitted in evidence if the original is not admissible in evidence for want of stamp duty. But here it is not the case, and the facts of the present case are distinguishable with the facts before the Apex Court and the facts in the unreported judgment of this Court.

27. If the principle laid down in *Akkam Laxmi* is applied to the facts and circumstances of the present case, it is clear that when the original is not duly stamped, the copy of it cannot be admitted in evidence on the ground that it need not be stamped since it amounts to circumventing the provisions of Stamp Act. But in the facts and circumstances of the present case, the original is validated by invoking Section 5A of ROR Act, and it became admissible in evidence and the legal embargo under Section 35 of Indian Stamp Act, and under Section 49 of the Registration Act would not come in the way in view of the proceedings under Section 5A of the ROR Act.

28. This Court in *Obelisetty Ramanadham* (referred supra) held in paragraphs 9 and 10 as under:

“9. In fact, in identical facts and circumstances, a Division Bench of this Court in *E. Venkat’s* case held that when the original deed was unstamped or insufficiently stamped, no copy of it by way of secondary evidence is admissible in evidence in view of Section 35 of the Stamp Act. In *Jupudi Kesava Rao*¹⁰, their Lordships of the Supreme Court have observed as follows:

The first limb of Section 35 clearly shuts out from evidence any instrument chargeable with duty unless it is duly stamped. The second limb of it, which relates to acting upon the instrument will obviously shut out any secondary evidence of such instrument, for allowing such evidence to be let in when the original admittedly chargeable with duty was not stamped or insufficiently stamped, would be tantamount to the document being acted upon by the person having by law or authority to receive the evidence.

10. The judgments relied on by learned Counsel for respondents is about the leading of secondary evidence and as already discussed there is no dispute about the provision of law under Section 65 of the Act. Definitely a copy made by mechanical process is admissible under Section 65 of the

¹⁰ [1971] 3 SCR 590

Act, but here is a case as discussed supra, the document is an “instrument of partition” as defined under Section 2(15) of the Stamp Act, which requires stamp duty as provided under Article 40 of Schedule 1-A appended to the Stamp Act. As the document in question is not properly stamped the same is not admissible in evidence either in the normal course or under Section 65 of the Act.”

29. Learned counsel for the respondent further contended that the revenue authorities have no authority to validate the simple sale deed by invoking Section 5A of the Act when there is a dispute regarding transaction; and even if the sale deed is validated that would not confer any right or title, it is always subject to the result of the Civil suit and this view is fortified by judgment of this Court in V. Krishnaiah (referred supra).

30. Paragraph 21 of the judgment in V. Krishnaiah (referred supra) is extracted hereunder for better appreciation.

21. The experience shows that, wherever the Legislature had intended to confer the power of a civil Court upon an administrative or quasi-judicial authority, or a different forum, either an independent, procedure is prescribed or the one, that applies to civil Courts is extended to them. To the extent the power of adjudication is conferred on the alternative fora, the jurisdiction of the civil Courts is taken away through specific provisions of law. This becomes necessary because the jurisdiction of a civil Court is comprehensive. Further, the exclusion of jurisdiction of the civil Courts would depend upon the efficacy of the remedy that can be granted by the alternative forum. If the matter is examined on the touchstone of these principles, it emerges that hardly any powers of a Court to adjudicate the disputes are conferred upon the Recording Authority. He cannot record evidence. He is not trained to adjudicate the disputes involving complicated questions, such as capacity to contract, succession, testamentary, or otherwise, limitation etc. Therefore, the irresistible conclusion is that the jurisdiction of the Recording Authority under the Act in relation to the regularization under Section 5-A is confined to cases, where, no dispute exists as to the execution of the document. If there is any dispute as to the execution of the document or any other contentions are raised, the dispute has, invariably to be adjudicated by a civil Court.

31. This legal position is not in quarrel since the dispute in the present suit with regard to the title of the property can be decided by the Civil Court. Therefore, the judgment in V. Krishnaiah is not useful to substantiate the contention of the respondents to refuse to admit the unregistered simple sale deed dated 02.04.1991.

32. The counsel for respondent further contended that xerox copy of the document cannot be admitted in evidence as there is possibility of tampering of documents and some portions or parts of writings in original may be screened or shadowed and therefore a Xerox copy may not contain all the details of the original. By that mode of placing a paper on the signatures, signatures in the original can be made to disappear in its Xerox copy. Likewise signatures of persons which do not appear in the original, can be made to appear in a Xerox copy. In view thereof, merely because the xerox copy of the suit promissory note produced by the petitioner may not be containing the signatures of the attestors, it cannot positively be said that the signatures of the attestors were obtained therein subsequently. This view is supported by the judgment of this Court in Chandabolu (referred supra). But this principle did not lend support to the case of the respondent.

33. Explanation-I of Article 47-A of Schedule 1-A of the Indian Stamp Act is relevant. According to it, an agreement to sell evidencing delivery of immovable property is chargeable as sale. Explanation-I reads as under:

“An agreement to sell followed by or evidencing delivery of possession of the property agreed to be sold shall be chargeable as a “Sale” under this Article:

Provided that, where subsequently a sale deed is executed in pursuance of an agreement of sale as aforesaid or in pursuance of an agreement referred to in Clause (b) of Article 6, the stamp duty, if any, already paid or recovered on the agreement of sale be adjusted towards the total duty leviable on the sale deed.”

34. The peculiar circumstances of the present case narrated above are suffice to conclude that the original of simple sale deed was stamped properly and registration fee was also collected by the Tahsildar by invoking Section 5A of the ROR Act. Therefore, the bar under Article 47-A of Schedule 1-A of the Indian Stamp Act (A.P. Amendment), would not come in the way of marking the documents as exhibit in view of the voluminous material available on record.

35. Apart from that Form 13B and 13C certificates which are marked as Ex.B21 and B22 before the trial Court are suffice to conclude that the Tahsildar collected Stamp Duty and Registration fee. The trial Court in para 9 of the order in I.A.No.158 of 2016 in O.S.No.51 of 2014 dated 25.07.2017 adverted to this similar contention about insufficiently stamped document etc., and on elaborate consideration granted permission to let in secondary evidence and mark the document dated 02.04.1991 in evidence.

36. When the Court granted permission to mark the document dated 02.04.1991 i.e., attested copy of the simple sale deed, and when the order attained finality, the trial Court ought not to have come to a different conclusion when it is actually tendered to mark the document as exhibit before the Court. Thus, the trial Court having passed an interim order in I.A.No.158 of 2016 recording its conclusions is not supposed to have passed an order contrary to the findings recorded therein which is impugned in this revision.

37. But it is the contention of the petitioners and the findings of the trial Court that permission granted to the petitioners to adduce secondary evidence is only subject to other provisions of the Indian Stamp Act and Registration Act. No doubt if it is a case where the petitioners failed to pay stamp duty and registration fee before the Tahsildar, the order in I.A.No.158 of 2016 would not come in the way of the Court to pass such an order impugned in this revision. But the trial Court having concluded in I.A.No.158 of 2016 that stamp duty and registration fee was collected by the Tahsildar by invoking Section 5A of the ROR Act, and validated the simple sale deed, and having granted permission to adduce secondary evidence, refused to mark the attested copy of the sale deed and upheld the objection raised by the respondent, is an illegality committed by the trial Court in passing the order impugned in this revision.

38. Therefore, the order passed by the Court below is erroneous on the face of record and such an order can be interfered with by this Court by exercising powers under Article 227 of the Constitution of India, since the trial Court failed to exercise its discretion vested on it properly and having held that the document is admissible in secondary evidence vide order in I.A.No.158 of 2016 refused to mark the same when it is tendered for marking, is a serious irregularity.

39. Therefore, the order impugned in this revision in I.A.No.158 of 2016 is hereby set aside while permitting the petitioners to mark the attested copy of the simple sale deed dated 02.04.1991 in evidence, but the trial Court may consider the legality and validity of such document at the end of trial to decide the rights of the parties.

40. In view of my foregoing discussion, the civil revision petition is allowed, setting aside the order passed by the Senior Civil Judge in I.A.No.158 of 2016 in O.S.No.51 of 2014, directing the trial Court to mark the attested copy of the simple sale deed dated 02.04.1991 on behalf of the petitioners/defendants in the main suit, but decide the rights of the parties independently at the end of trial, uninfluenced by any of the observations made hereinabove, keeping in view the law declared by the single judge of this Court in V. Krishnaiah (referred supra).

No costs. Miscellaneous petitions, if any pending, shall stand closed.

M. SATYANARAYANA MURTHY, J

21st December, 2018
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THE HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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