

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Civil Revision Petition No.579 of 2018

Order:

The petitioner herein is the first defendant in O.S.No.208 of 2011 on the file of the I Additional District Judge, Nellore. He filed I.A.No.1099 of 2017 seeking to send the possessory agreement of sale dated 31.07.1995 to the District Registrar, Nellore for impounding and levying stamp duty. When the said application was dismissed by order dated 03.01.2018, the present Civil Revision Petition is filed.

The petitioner/first defendant filed the application stating that he purchased the plaintiff schedule property of an extent of Ac.0.75 cents and other properties from one Botlagunta Kondamma and Gogineni Naga Rani under an agreement of sale dated 31.07.1995 and the entire consideration was paid to them on the same day and possession was delivered. He has been in possession and enjoyment of the same. Though a regular registered sale deed has to be executed, since one of the vendors died in the year 2001, he could not get the regular sale deed and the agreement of sale requires stamp duty and penalty. Hence, he sought to send the said agreement to the District Registrar for impounding and levying of stamp duty.

The first respondent/plaintiff filed counter stating that the petitioner categorically denied the execution of the alleged agreement in his deposition, but claimed the property through succession from his mother. Hence, the petitioner is estopped from contending otherwise. No notice was issued demanding registration of the property during the life time of Kondamma. Further, it was also stated that the document contained interpolations, insertions and interlineations in the property schedule of

the document. The survived vendor denied the execution of the document.

The trial Court noticed the contents in the document dated 31.07.1995 and since it is a possessory agreement of sale and entire amount was paid under the agreement it amounts to sale deed which requires registration. The trial Court found that no useful purpose would be served by sending the document for impounding, when it required registration which cannot be cured even after sending the document. Learned counsel for the petitioner would not point out the defect in the said order and reading of the document. In the circumstances, the order of the lower Court dated 03.01.2018 does not warrant any interference.

The Civil Revision Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.



A. RAMALINGESWARA RAO, J

Date: 16.03.2018
Nsr