

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.681 OF 2018

DATED:16-02-2018

Between:

Chinchalada Sanyasi Raju (died),
per Legal Representatives
and others ... Petitioners

And

Chinchalada Krishna Raju (died),
per Legal Representatives
and others ... Respondents

COUNSEL FOR THE PETITIONERS: Mrs. T.V. Sridevi

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

The plaintiffs in O.S. No.56 of 2009 on the file of the Senior Civil Judge, Chodavaram, filed this revision petition feeling aggrieved by order dt.2.11.2017 whereby the Court below has held that Ex.A.1 is not a Will and the same is a deed of conveyance and accordingly directed the petitioners to pay the stamp duty and penalty on the document.

I have heard Mrs. T.V. Sridevi, learned counsel for the petitioners, and perused the contents of Ex.A.1. Though the nomenclature of the said document is Will, its contents clearly reveal that the executant of the document declared that the properties were handed over to the beneficiaries under the document. The law is well-settled that the rights flowing under a Will will not pass on to the legatees during the life time of the executant, but under Ex.A.1 the properties were shown to have been handed over to the beneficiaries. Therefore, the Court below has rightly termed Ex.A.1 as a settlement deed and impounding the same for payment of stamp duty.

Hence, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, I.A.
No.1 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-02-2018

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