

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION NO. 3486 OF 2015

ORDER:-

This revision is filed against the order dated.12-08-2015 passed in O.S.No.110 of 2008 on the file of the court of Senior Civil Judge, Addanki. The order was passed when a document dated.21-12-2006 which is titled as "Angikara oppudala Patram" sought to be admitted in evidence by the defendants. An objection was taken for admitting the said document stating that it is inadmissible in evidence as it requires registration. The matter was heard by the lower court which held that the document requires registration and, therefore, the document was held to be inadmissible in evidence.

2. Questioning the same, the present Civil Revision Petition is filed.

3. This court has heard Sri Chakkilam Venkateswarlu, learned counsel for the revision petitioner and Ms.Nimmagadda Revathi, learned counsel appearing for Sri Nimmagadda Satyanarayana, learned counsel for the respondents.

4. The essential point that arises for consideration in this revision is:-

"Whether the document dated.21-12-2006 requires registration or not?"

5. POINT:-

Learned counsel for the petitioner argued that the document does not either assign, surrender or give up any rights in immovable property. According to him, it is merely an acknowledgment of a transaction executed by the daughter in favour of the father. According to him, there is neither extinguishment nor giving up of any title or interest in the property. In reply thereto, the learned counsel for the respondents argued that this document is forged and created one and that it is pressed into service with an ulterior motive. She also argued that if the executant did not have any right in the property, there was no need for her to ratify the same. The fact that she ratified the transaction, according to the respondents, implies that the executant had a right in the property. It is for this reason only that she has ratified the property.

6. It is settled law that the title given to a document is not relevant. It is also settled that how the parties refer to the document is also not relevant and what is relevant are the contents of the document alone.

7. A reading of the document makes it clear that the executant confirms that there was a partition amongst the family members and each party has been enjoying the separate share. She also states that her brother settled some property in her favour and delivered possession to

her. It is also mentioned in the division stated above the vacant house site has fallen to the share of the father and that father has been enjoying the same as absolute rights after constructing a house thereon. It is also clearly mentioned that the father has got "all rights in the property". Therefore, from a reading of this document, it is clear that the executant-Swarna Manjari is not giving up any rights in the property nor she is stating that she has relinquished her rights. This document merely records that a partition had taken place and that the respective shares are being enjoyed by the sharers. It is also acknowledged that the father has "all the rights" over the property. In view of this, this court is of the opinion that this document by itself does not either create, assign, extinguish or relinquish any rights in the property.

8. Therefore, this court holds that this document dated.21-12-2006 does not require any registration. It is only a confirmation of a sale deed. The executant does not say anywhere that she has any right in the property and on the other hand she states that "Sarva Hakkulu" or "entire rights" are in the father.

9. This court also notices the submission that because buyer wanted the signature of the executant as a matter of abundant caution, she was asked to join in the sale deed. It is not unknown in law that some consenting parties are

added to the sale deed even if they do not have any rights in the property. Therefore, this court is of the opinion that the said document does not require registration. Her consent does not imply she had a subsisting right which she has given up. Whether the document is forged etc., is not the subject matter of the revision.

Accordingly, the Civil Revision Petition is allowed. The court below is directed to dispose of the matter without in any way being influenced by anything that is mentioned in this order. The probative value of the contents are not touched upon in this order. No costs. Miscellaneous Petitions pending, if any, shall stand closed in consequence.

D.V.S.S.SOMAYAJULU,J

07-08-2018
TSNR

