

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3228 OF 2016

ORDER:

The present Civil Revision Petition is filed, under Article 227 of the Constitution of India, by the petitioner - defendant, challenging the order, dated 01.04.2016, passed in I.A. No.64 of 2015 in O.S. No.70 of 2013, by the learned II Additional District Judge, Madanapalle Andhra Pradesh State.

2. The petitioner herein filed a petition under Section 151 of the Code of Civil Procedure, 1908, with a request not to mark the Agreement of Sale, dated 18.09.2010, which is the document sued upon in the suit for specific performance of agreement of sale on the ground that it was not properly stamped and it was not registered in terms of Clause (g) of Sub-Section (1) of Section 17 of the Registration Act, 1908 (for short 'Act, 1908').

3. Before the trial Court, respondent herein filed counter denying the material allegations, *inter alia*, contending that the document is admissible in evidence since it was written on one hundred rupee Non-judicial stamp paper and no registration is required and requested to pass appropriate order.

4. The trial Court passed the order admitting the document in evidence negating the relief claimed by the petitioner – defendant on both grounds.

5. The original suit is filed for specific performance of agreement of sale, dated 18.09.2010 and the agreement of sale is a Non-possessionary agreement. Execution of an agreement of sale on one hundred rupee Non-judicial stamp paper cannot be said to be insufficiently stamped document, and thereby question of impounding the document or collection of deficit stamp duty and penalty thereon does not arise to admit the same in evidence, therefore, on the ground that the document was not sufficiently stamped, the request of the petitioner herein cannot be acceded to.

6. The second ground urged before this Court is that the document is required to be registered in view of clause (g) of sub-section 1 of Section 17 of the Act, 1908 as amended by Andhra Pradesh Act 4 of 1999 with effect from 01.04.1999. But, this question is no more *res integra* in view of the earlier judgment rendered by me in **R. Suresh Babu v. G. Rajalingam**¹. By applying the principle laid down in the said judgment, I find no grounds to interfere with the order passed by the trial Court and, consequently, the revision is devoid of merits and is liable to be dismissed.

3. In the result, the Civil Revision Petition is dismissed. No order as to costs.

¹.C.R.P. No.4066 of 2016, dated 30-11-2016

Consequently, Miscellaneous Petitions, if any, pending in the present revision, stand closed.

M. SATYANARAYANA MURTHY, J

October 24, 2018
Mgr

