

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.1718 of 2018

ORDER:

Heard the learned counsel for the petitioners and Sri KVS Vishnuram, learned counsel for the respondents.

2. Petitioners have filed this Revision Petition assailing the proceedings dt.08-03-2018 in O.S.No.74 of 2010 of the Junior Civil Judge, Nagari, Chittoor District, wherein the Court below allowed Ex.B-2, Panchayat Kararunama dt.05-03-2003, to be marked subject to objection.

3. Learned counsel for the petitioner contends that the said document is admittedly an unregistered document, and when objection as to its admissibility on the ground of non-registration was raised, the Court below could not have marked it subject to objection, and it ought to have decided the objection.

4. Though learned counsel for the respondents sought to support the action of the Court below and seek to contend that the respondents only wanted to rely on the said Ex.B-2 for collateral purpose and non-registration of the document is not relevant for that purpose, since there is no plea to that effect of the respondents before the Court below nor did the Court below, permit the marking only for collateral purpose, the said contention cannot be accepted.

5. Accordingly, the proceedings dt.08-03-2018 in O.S.No.74 of 2010 of the Junior Civil Judge, Nagari, Chittoor District, insofar as it marked Ex.B-2, Panchayat Kararunama dt.05-04-2003, subject to objection is set aside; the said Court is directed to decide about the admissibility of the said document for non-registration first and then proceed further in the matter. This exercise shall be done within six weeks from the date of receipt of a copy of this order.

6. Accordingly, the Civil Revision petition is allowed with the above directions. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 30-07-2018
kvr

JUSTICE M.S.RAMACHANDRA RAO

