

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3597 OF 2016

ORDER:

The present Civil Revision Petition under Article 227 of the Constitution of India is filed challenging the order dated 13.04.2016 in O.S.No.118 of 2012 passed by the Principal Junior Civil Judge, Ponnur, Guntur District holding that the unregistered agreement of sale is admissible as evidence in a suit for specific performance in view of Section 49(c) of the Registration Act.

It appears from the record that the suit is filed for specific performance of contract of sale dated 16.02.1993 allegedly executed by defendants 1 and 2 and it was tendered for marking during trial. It appears that the petitioners raised two objections on the ground that it was not properly stamped and that it was not admissible as the document requires registration under Sections 17 and 49 of the Registration Act.

So far as first objection regarding deficit stamp duty is concerned, it is contended that the respondents paid stamp duty and penalty of Rs.550/- on 30.04.2015. The other objection required to be adjudicated by this Court is whether the unregistered sale deed can be received as evidence in a suit for specific performance. This question is squarely covered by proviso to Section 49 of the Registration Act and the Judgment of this Court in **R. Suresh Babu v. G. Rajalingam**¹. Therefore, no further adjudication is required.

Therefore, the civil revision petition is devoid of merits and the same is accordingly dismissed at the stage of admission. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending shall stand closed.

M. SATYANARAYANA MURTHY, J

05.11.2018

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¹ 2017 (2) ALD 282