

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

CRP.No.471 of 2014

ORDER:

This revision petition is filed questioning the docket order dated 26.07.2013 in OS.No.60 of 2010 by the Senior Civil Judge, Yellamanchili. The docket order came to be passed when a document dated 18.04.2007 was sought to be marked in evidence.

In the impugned order, the Court held that a reading of the document shows that it is a deed of partition. Therefore, the Court below directed that the same to be marked subject to proof and relevancy on payment of stamp duty and penalty. This order is questioned in the present revision petition.

Sri P.Rajasekhar, learned counsel for the petitioners submits that a reading of the document makes it clear that interest in immovable property is being transferred and therefore, it does not merely require stamping but also requires to be registered. Hence, the same is not admissible in evidence. He states that Section 17 of the Registration Act is squarely applicable.

Learned counsel for the respondents on the other hand argued that the Sub-Registrar to whom the document was sent for impounding did not speak about the registration and he merely collected the stamp duty. It is his contention that there is no need for registration of the document and the Sub-

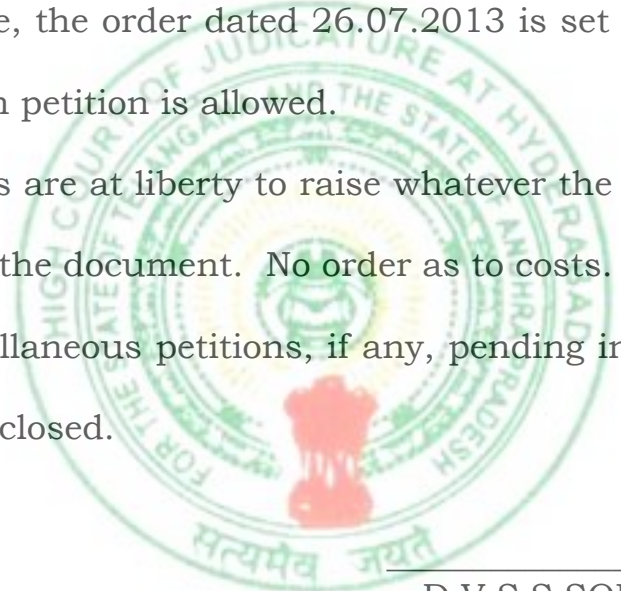
Registrar rightly impounded the document and collected the balance stamp duty.

After hearing both the learned counsels, this Court is of the opinion that the document by itself records a transfer assignment of rights. A plain language interpretation shows that property is being transferred by virtue of this document only. Therefore, this Court is of the opinion that the document does not merely require stamp duty; it also needs to be registered in order to be effective under law.

Hence, the order dated 26.07.2013 is set aside and the civil revision petition is allowed.

Parties are at liberty to raise whatever the defences they have about the document. No order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.



D.V.S.S.SOMAYAJULU, J

Date: 28.11.2018
KLP