

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

CRP.No.2626 of 2014

O R D E R:

This revision petition is filed questioning the docket order dated 25.06.2014 passed in OS.No.988 of 2000 by the Principal Junior Civil judge, Eluru.

The order was passed when an objection was raised about the marking of a document dated 19.07.1981. The defendants wanted to mark the said document stating that it records a past transaction and need not be registered while the plaintiff urged that it requires registration etc., as by the said document itself a partition was affected. The lower Court held that it requires registration. This docket order is now impugned in this revision.

This Court has heard Sri Srinivas Emani, learned counsel for the petitioner and Sri Narasimha Rao Davuluri, learned counsel for the respondents.

The learned counsel for the revision petitioner argues that the document in question records an earlier transaction and does not require registration etc. He relies upon ***Darshan Sing v. Samsher Singh***¹ and ***M.Vidyasagar Reddy v. M.Padmamma***² and argues that the document is admissible. The learned counsel for the respondents argues

¹ AIR 1988 SC 881

² 2016 (3) Curcc 299

that the document by itself creates/assigns rights in immovable property and therefore, it is not admissible.

The law is too well settled to be repeated, but if the document records a past transaction, it will not require registration. If the document by itself creates, assigns any rights in immoveable property of a value of Rs.100/-, it requires registration. Therefore, to decide this issue, it is necessary to look into the contents of the document. A reading of the contents shows the following recitals:

Seethampeta Lands:	To Ramalingeswara Rao	Ac.3.00
	To Mallikarjuna Rao	Ac.1.00
	Rest	0.69
Kakulapadu	To Bala	Ac.3.00
	To Mallikarjuna Rao	Ac.2.00
	To Prabhakar Rao	Ac.3.00
	To Satyam	Ac.1.40

House to be divided amongst Mallikarjuna Rao; Bala; Prabhjkar Rao and parents. The share that fell to parents will be divided amongst the three sons after the death of parents.

Shop: A life interest for parents; after them, the same to be divided into three shares. Site before the house is given without consideration to the younger son.

The contents are being highlighted to show that the tone and tenor of the document. It does not speak of a past transaction etc. It speaks of allotment of shares. The case law that is cited is not applicable as the contents of the present document are clear. Even the lower Court extracted

the contents also and clearly noted the applicable statute and the sections also.

This Court holds that the instrument dated 19.07.1981 is a document creating a partition and is not an instrument recording a past partition or a memorandum of past partition. Therefore, it is inadmissible.

The order of the lower Court is correct. No reasons are made out to interfere with the said order.

The civil revision petition is, therefore, dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this revision shall stand closed.

Date: 20.12.2018
KLP

D.V.S.S.SOMAYAJULU, J

