

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.4354 OF 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India challenging the docket order dated 13.07.2017 passed in O.S.No.43 of 2012 by the Principal Junior Civil Judge, Tuni, whereby, the agreement of sale dated 10.01.2011 was marked as exhibit overruling the objection raised by the petitioner herein.

The petitioner herein is the defendant before the trial Court in the suit filed by the respondents herein for perpetual injunction restraining the petitioner herein (defendant before the trial Court). When the agreement dated 10.01.2011 was tendered by the respondents herein for marking the same as exhibit, an objection was raised by the petitioner herein that the same was not sufficiently stamped document. The said objection was overruled by the trial Court.

Aggrieved by the same, the present revision is filed on the same ground that the agreement of sale dated 10.01.2011 is inadmissible as it was insufficiently stamped document.

As seen from the document dated 10.01.2011, it is only non-possessory agreement of sale for Rs.12,17,000/- written on stamp paper worth Rs.100/-. When the agreement of sale is non-possessory, explanation to Article 47-A of Schedule 1-A of Indian Stamp Act (A.P. Amendment) has no application. Therefore, engrossing agreement on stamp paper worth Rs.100/- cannot be said to be insufficiently stamped. Hence, the objection raised by the learned counsel for the petitioner herein before the trial Court was rightly over-ruled by the Principal Junior Civil Judge, Tuni.

Therefore, the impugned order does not call for interference of this Court exercising power under Article 227 of Constitution of India. Consequently, the revision is liable to be dismissed.

In the result, the civil revision petition is dismissed. No costs.

Consequently, miscellaneous applications pending if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

13.11.2018
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