

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.3494 OF 2018

ORDER:

Heard the learned counsel for petitioner and also the learned counsel for the respondents.

2. The impugned order of the learned Principal Senior Civil Judge, Nellore dated 19.04.2018 in I.A.No.234 of 2018 in O.S.No.355 of 2012 a suit for partition, where the so-called unregistered agreement of sale dated 19.05.1999 sought for sending to the District Registrar, V.J.H. Road, near Madras Bus Stand for impounding, and the same was allowed by the learned Principal Senior Civil Judge, Nellore.

3. The contentions in the revision petition are that the unregistered agreement of sale is a forged and fabricated document and the Court shall not consider the forged and fabricated document to exhibit that and the question of impounding said forged and fabricated document does not arise.

4. Whether that document is genuine or not, admissible or not and whether relevant or not are the matters that to be considered while tendering in evidence for marking. It is premature once the party who relied on

the instrument in question as defined by Section 2(14) of the Indian Stamp Act, 1899 (since the original document) asks to refer the same to the District Registrar for duly impounding and certifying, it is the duty of Court and thereby, there is nothing to interfere with the impugned order, but for to observe that the referring of document and impounding will not validate the document nor take away the right of revision petitioner-plaintiff to contend the same as forged or fabricated and cannot be exhibited for the Court, if at all while marking to consider.

Accordingly, this Civil Revision Petition is disposed of. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

27.07.2018
MVA