

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.4292 of 2018

ORDER :

This Civil Revision Petition is filed challenging the order dt.14.06.2018 in O.S.No.292 of 2011 on the file of the Additional Junior Civil Judge, Punganur.

2. The petitioner herein is 1st defendant in the above suit.
3. During the course of evidence of plaintiffs they sought to mark, during the Chief-examination of PW.1, a document titled 'Family Arrangement Deed' dt.01.05.1986. This was an unregistered and unstamped document. But, according to plaintiffs, it did not create any right or extinguish any rights, but only recorded that there was an earlier partition, and the enjoyment of all the already partitioned properties was mentioned in the 'Family Arrangement Deed', in view of some disputes which have arisen.
4. The Court below noted that though the document is styled as a 'Family Arrangement Deed', it is only a record of a past partition between the parties, and since no rights are created or extinguished for the first time under the document, it requires no registration, and is admissible in evidence.
5. Assailing the same, the present Civil Revision Petition is filed.
6. Though the counsel for petitioner sought to contend that the said document is unstamped and is inadmissible in evidence on the

said count also, since the requirement of adequate stamp on a memorandum of past partition came to be introduced in Section 2(15) of the Indian Stamp Act, 1899 only with effect from 16.08.1986 by the Andhra Pradesh (Amendment) Act 17/1986 to the said statute; and since the document in question, in the instant case, was executed prior to the said date, it is admissible in evidence even though it is unstamped.

7. I, therefore, do not find any error of jurisdiction in the order passed by the Court below warranting interference in exercise of jurisdiction conferred on this Court under Article 227 of the Constitution of India.

8. Accordingly, the Civil Revision Petition fails, and it is dismissed at the stage of admission. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27.07.2018

Ndr/*