THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.1936 of 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India assailing the orders dated 25.01.2017 passed in O.S.No.257 of 2015 on the file of Principal Junior Civil Judge Court, Ramachandrapuram.

2. Heard the learned counsel appearing for both the parties and perused the material available on record.

3. A perusal of the record reveals that the petitioner filed O.S.No.257 of 2015 on the file of the Principal Junior Civil Judge Court, Ramachandrapuram, against the respondents for specific performance of agreement of sale dated 12.12.2012. During pendency of the trial, the petitioner tendered an agreement of sale for the purpose of marking. The respondents raised an objection for marking of the document. The trial Court after affording a reasonable opportunity to both parties, upheld the objection raised by the respondents. Hence, the revision.

6. The point that arises for consideration is:

> "Whether there is any illegality, irregularity or impropriety in the impugned order?"

7. A perusal of the record reveals that the petitioner filed the suit basing on agreement of sale dated 12.12.2012. The agreement of sale in question is unregistered and unstamped one. It is needless to say that an unregistered and unstamped agreement of sale cannot be admissible in evidence. When the document itself is

inadmissible, the question of marking of document does not arise. The trial Court by placing reliance on the decisions in **(1) Ponnapola Seetha Ramaiah Vs.Sanagala Sreenivasulu[1]; (2) Penupothula Hanumantha Rao Vs.Kotha Venkata Narsimha Jogendra Sreshti[2]; and (3)Golla Dharmanna Vs.Skari Poshetty[3],** arrived at a conclusion that unregistered and unstamped agreement of sale cannot be marked. The trial Court rightly considered the case law with reference to the recitals of the agreement of sale. As per the recitals of agreement of sale, the petitioner was put in possession of the suit schedule property. The document in question cannot be marked without registration or payment of stamp duty. The trial Court has assigned reasons much less cogent and valid reasons to its findings. I am fully endorsing with the findings recorded by the trial Court. There is no illegality, irregularity or impropriety in the orders of the trial Court warranting interference of this Court, while exercising the jurisdiction under Article 227 of the Constitution of India. Hence, the petition is liable to be dismissed.

8. In the result, the Civil Revision Petition is dismissed. There is no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.SUNIL CHOWDARY, J

Dt:10.12.2018
Rns

[1] 2012(6) ALT 549
[2] 2016(3) L.S.370
[3] 2013(5) ALD 490