

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.5002 of 2018

ORDER:

Heard the learned counsel for the petitioner.

2. This Civil Revision Petition is filed challenging the order dt.15-06-2018 in O.S.No.61 of 2013 of the Principal Junior Civil Judge, Madanapalle, Chittoor District.

3. Petitioner is defendant in the suit. The suit was filed for specific performance of agreement of sale dt.27-08-1990 which was unregistered. The respondent/plaintiff wanted to mark the said document as Ex.A-1 which was objected to by the petitioner on the ground that it is an unregistered document and also on the ground that it is insufficiently stamped.

4. The Court below relied upon proviso to Section 49 of the Registration Act, 1908, which permitted unregistered documents affecting immovable property to be received in evidence in a suit for specific performance and also as evidence of collateral transaction and held that in view of the specific exception carved in the proviso to Section 49, it can be received in evidence. It also considered the provisions of the Indian Stamp Act, 1899, in particular, Article 6A (c) of Schedule-IA of the Indian Stamp Act, 1899 and taking note of the fact that for agreements whose value is between Rs.20000/- and Rs.50000/-, the stamp duty is Rs.50/- and the instant agreement of sale

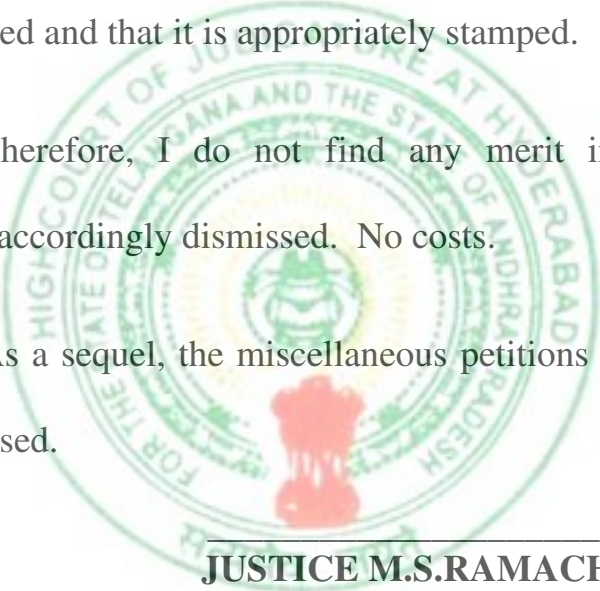
mentions sale consideration of Rs.24,000/-, found that the objection regarding insufficient stamp duty is also not valid.

5. Assailing the same, this Revision Petition is filed.

6. Though the learned counsel for the petitioner sought to contend that the Court below could not have marked the said agreement at the instance of the respondent/plaintiff, in my opinion, the Court below has rightly held that by virtue of proviso to Section 49 of the Registration Act, 1908, it can be received in evidence even if it is unregistered and that it is appropriately stamped.

7. Therefore, I do not find any merit in the Revision Petition. It is accordingly dismissed. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 28-08-2018

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