

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**C.R.P.No.481 of 2013**

**ORDER:**

Heard Mr.N.Sriram Murthy for revision petitioner. No representation for 2<sup>nd</sup> defendant/1<sup>st</sup> respondent herein.

The 2<sup>nd</sup> respondent filed I.A.No.959 of 2012 to permit the 1<sup>st</sup> respondent to file agreement dated 17.08.1987 allegedly executed in favour of the father of 1<sup>st</sup> defendant and also to receive the same in evidence. The revision petitioner objects to the admissibility of agreement dated 17.08.1987 under the Registration Act, 1908 as well as the Stamp Act, 1899 and also to a document, not referred to in the written statement, introduced at the stage of arguments. Mr.Sriram Murthy contends that agreement dated 17.08.1987 refers to delivery of possession of property shown in the agreement dated 17.08.1987. The mere fact that in future alleged donors have agreed to execute a regular deed of conveyance by itself is not the deciding factor. The learned counsel draws the attention of the Court to the decisions on which the reliance is placed by the trial Court and how the document under reference is different.

I have perused the recitals in agreement dated 17.08.1987 and *prima facie*, this Court is of the view that

the trial Court has not taken note of all recitals, its legal effect etc., with a view to afford another opportunity to 1<sup>st</sup> respondent. This Court, after being satisfied that the order under revision has not considered all the relevant circumstances, sets aside the order, remits the matter to trial Court for consideration and disposal in accordance with law.

The learned trial Judge passes orders as are deemed fit within four (04) weeks from the date of receipt of copy of this order.

The suit is of the year, 2007 and the stay of suit has been granted by this Court on 27.02.2013. Therefore, steps as are necessary for expeditious disposal of the suit are also undertaken and suit is completed within three months from the date of receipt of copy of this order.

Civil Revision Petition is allowed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 20.09.2018  
dv

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**S. V. BHATT, J**

