

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.5387 of 2018

20.09.2018

Between:

Naripalli Venkata Ganesh Rao and another

..Petitioners

and

Naripalli Satya Rao

..Respondent

Counsel for the petitioners: Mr.Mangena Sree Rama Rao

Counsel for the respondent: None appeared

The Court made the following:



ORDER:

This Civil Revision Petition arises out of order, dated 26.07.2018, in O.S.No.211 of 2013, on the file of the learned Principal Senior Civil Judge, Anakapalle.

2. I have heard Mr.Mangena Sree Rama Rao, learned counsel for the petitioners, and the perused record.

3. The respondent filed the aforementioned suit for declaration of title and recovery of possession of the suit schedule property. The petitioners, who are the defendants in the said suit, disputed the right of the respondent. During the cross-examination of P.W.1 before the Court below, the learned counsel for the petitioners confronted the former with a document, dated 19.04.2012, to which an objection was raised by the learned counsel for the respondent on the ground that the said document, which is in the nature of partition deed, was neither registered nor proper stamp duty was paid. The learned counsel for the petitioners, however, maintained that as the document proposed to be filed is a family arrangement deed, registration is not required and proper stamp duty of Rs.100/- was paid. On going through the contents of the document proposed to be marked through P.W.1, the

Court below has held that the recitals of the said document reveal that it is in the nature of a partition deed and not merely a settlement agreement.

4. On a careful reading of the recitals of document, dated 19.04.2012, it is apparent that for the first time the parties divided the shares in the family properties apart from agreeing to pay Rs.4,000/- each to their mother. It is, thus, clear from the said document that the same created rights *in praesenti* in the parties and that therefore, it is in the nature of partition deed and it requires proper stamp duty and registration.

5. The learned counsel for the petitioners has submitted that the proposed document could be relied upon for collateral purpose. I do not find any merit in this submission because the petitioners proposed to mark the said document to prove that an earlier partition took place and that therefore, the respondent has no title over the suit schedule property. This being the purpose for which the petitioners proposed to mark the said document, such a purpose cannot be said to be collateral purpose.

6. For the aforementioned reasons, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

7. As a sequel to dismissal of the C.R.P., I.A.No.1 of 2018 filed by the petitioners for interim relief stands dismissed as infructuous.

20th September, 2018
GHN

C.V.NAGARJUNA REDDY, J

