

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.5654 OF 2017

ORDER:

This petition is filed under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), assailing the order, dated 29.08.2017, passed in E.A.No.100 of 2017 in E.A.No.166 of 2014 in E.A.No.103 of 2012 in E.P.No.44 of 2008 in O.S.No.61 of 2007 on the file of the Court of the Senior Civil Judge, Srikalahasthi, Chittoor District.

2. Heard learned counsel for the petitioner.

3. The point that arises for consideration is:

“Whether there is any illegality, irregularity or impropriety in the impugned order?”

4. A perusal of the record reveals that the petitioner filed a petition under Order XXI Rules 97, 99, 101 and 103 C.P.C. in E.P.No.44 of 2008. The petitioner examined himself as PW.1. Thereafter, he filed the present petition to reopen the matter to recall PW.1 for the purpose of marking of an unregistered sale deed. The executing Court dismissed the petition. Hence, the revision.

5. A perusal of the affidavit filed by the petitioner reveals that he is intending to mark the unregistered sale deed. It is needless to say that a document which requires registration, if not registered, is not admissible in evidence. A sale deed worth more than Rs.100/- requires registration as contemplated under Section 17 of the Registration Act, 1908. The document in question is an unregistered sale deed. The unregistered sale deed cannot be admitted in evidence. When the document itself is not admissible in evidence, the question of marking of the document

does not arise. The executing Court considered the material available on record in the light of the provisions of the Indian Evidence Act and the Registration Act and dismissed the petition. Viewed from factual or legal aspects, the revision is not maintainable. There is no illegality, irregularity or impropriety in the impugned order warranting interference of this Court.

6. Hence, the Civil Revision Petition is dismissed.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

17th December, 2018
MD



T. SUNIL CHOWDARY, J