

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.5440 OF 2017

ORDER:

This civil revision petition is filed by the petitioner-defendant No.2, under Article 227 of the Constitution of India, assailing the order dated 23.8.2017 in I.A. No.161 of 2017 in O.S. No.372 of 2016 on the file of the Court of II Additional Junior Civil Judge, Vijayawada.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that respondent Nos.1 and 2 filed O.S. No.372 of 2016 against the petitioner and respondent No.3 (defendant Nos.2 and 1 respectively) for perpetual injunction. During the pendency of the suit, the petitioner filed I.A.No.161 of 2017 under Order XIII Rule 3 of CPC to reject Exs.A.5 and A.6 as they are inadmissible in evidence for want of stamp duty and registration. The trial Court, after affording reasonable opportunity to both parties, dismissed the petition. Hence, the revision.

4. At the time of arguments, learned counsel for respondent Nos.1 and 2 submitted that they are not placing reliance on Exs.A5 and A6 even though they were marked on their behalf. In view of the said submission, the revision petition is liable to be allowed.

5. In the result, the civil revision petition is allowed, setting aside the order dated 23.8.2017 in I.A. No.161 of 2017. Consequently, I.A.No.161 of 2017 in O.S. No.372 of 2016 on the file of the Court of II Additional Junior Civil Judge, Vijayawada is allowed rejecting Exs.A5 and A6. Miscellaneous petitions if any pending in this revision petition shall stand closed.

T.SUNIL CHOWDARY, J.

Date: 10.7.2018
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