

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.6884 OF 2017

ORDER:

Heard learned counsel for the petitioner.

2. The petitioner is the plaintiff in O.S.No.4 of 2014 on the file of V Additional District Judge, Nellore. The suit was filed for recovery of an amount of Rs.12,02,600/- on the basis of an equitable mortgage by deposit of title deed and promissory note, dated 18.09.2010. In the suit, the memorandum of deposit of title deed was marked as Ex.A.3 and later on the defendant filed a petition to reject the said document on the ground that it was un-registered. The trial Court considered the application I.A.No.366 of 2017 relying on the decision of this Court in **Satti Venkateswara Reddy v. Malidi Venkata Reddy**¹ and held that the document required registration under Section 17 (1) (c) of the Registration Act and since Ex.A.3 is an un-registered memorandum of deposit of title deed, the marked document is rejected by an order, dated 25.10.2017. The reasons given by the trial Court for such rejection are as follows:

“7. Perused the decision relied on by the learned counsel for the petitioner/defendant reported in “**2016 (4) ALD 498 in between Satti Venkateswara Reddy vs. Malidi Venkata Reddy**” in which it was held that “Document styled as “Memorandum of Deposit of Title Deed” – It states that executant took loan on basis of promissory note – But as lender required lendee to secure said loan by some immovable property, he wanted to create security of property, which was registered in favour of lendee – And hand over said original document as security for loan amount- It further states that in case of failure to repay amount, lender is given full rights to recover amount against property secured – document, held, required registration under Section 17 (1) (c) of Registration Act, 1908m which is applicable to the present case on hand.

¹ 2016 (4) ALD 498

8. Perused the record and also Ex.A.3/unregistered memorandum of deposit of title deed. Ex.A3 contains the statement that in case of failure to repay amount, lender is given full rights to recover amount against property secured. Hence it is a compulsorily registrable document. The explanation submitted by the petitioner for his belated objection on Ex.A3 is convincing and satisfactory. Considering the circumstances stated by both parties, the circumstances of the case and considering the decision reported in 2016 (4) ALD 498, I am inclined to allow this petition.

9. In the result, this petition is allowed as prayed for without costs and the unregistered memorandum of deposit of title deed which was marked as Ex.A3 in the suit on behalf of the plaintiff, is hereby rejected.”

In view of the reasons given by the trial Court, this Court sees no ground to entertain the present revision petition.

3. Accordingly, the Civil Revision Petition is dismissed. Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

JANUARY 25, 2018
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A.RAMALINGESWARA RAO, J

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Date:25.01.2018

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