

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.7384 OF 2017

O R D E R :

This revision is filed against the order dated 23-08-2017 in O.S.No.80 of 2004, wherein the objection raised by the petitioner for marking the document dated 20-01-2002 was overruled by the Court below stating that the said document had not created or extinguished any right in any immovable property.

Learned counsel for the petitioner submits that by the document dated 20-01-2002 the petitioner's husband relinquished his share in the immovable property, as such the same is required to be properly stamped and the same cannot be admitted in evidence under Section 35 of Indian Stamp Act. Though the said document termed as 'family arrangement', it is relinquishment of share by petitioner's husband. The Court below has not considered the said aspect and overruled the objection raised by the petitioner. In support of his contention, he relied on the judgment of **R.Deivanai Ammal v. G.Meenakshi Ammal¹**.

Though notice is served, there is no appearance for the respondents.

In this case it is to be seen that the document dated 20-01-2002, which is sought to be marked, is placed before this Court and the same is perused. The said

¹ AIR 2004 Madras 529

document clearly shows that the petitioner's husband according to defendant relinquished his share in the joint family property and that aspect was not considered by the Court below in proper perspective. The Court below also considered the aspect that without impounding the said document, the same cannot be admitted in evidence even for collateral purpose. The purpose of marking of the said document is also not clear from the order. In view of the same, the impugned order is liable to be set aside.

Hence, the revision is allowed and the impugned order is set aside. However, the document dated 20-01-2002 can be marked subject to impounding of the same. As a sequel thereto, miscellaneous petitions, if any, pending in this revision, shall stand closed.

A.RAJASHEKER REDDY, J

16-02-2018

Nvl