

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO.1242 OF 2017

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt. 01.12.2016 passed in I.A.No.665 of 2012 in O.S.No.16 of 2008 on the file of the Senior Civil Judge at Nalgonda.

Petitioners and respondents 4 to 6 had sought to mark an unregistered sale deed dt. 08.05.1981 as an exhibit on their behalf.

Respondents 1 to 3, who are plaintiffs, filed I.A.No.665 of 2012 not to mark the same on the ground that it is both unregistered and insufficiently stamped.

Petitioners and respondents 4 to 6 filed a counter stating that the document is to be marked for collateral purpose, that it had already been impounded and stamp duty had already been collected by the revenue authorities.

In the impugned order, the Court below, while observing that there is no necessity to reject the document sought to be filed by the petitioners and the respondents 4 to 6, allowed I.A.No.665 of 2012.

Counsel for the petitioners contend that the whole body of the order passed by the Court below show that the Court intended to dismiss I.A.No.665 of 2012, but by oversight it appears to have allowed the application.

Counsel for respondents 1 to 3, however, contended that because the application was allowed, the respondents 1 to 3 did not challenge the same. He contended that the petitioners and respondents 4 to 6 want to mark the document to prove the ownership of the second petitioner/second defendant and the said purpose is not a collateral purpose and is a primary purpose of the unregistered sale deed dated 08.05.1981.

I find force in the contention of the counsel for respondents 1 to 3.

Therefore, the Revision is disposed of and I.A.No.665 of 2012 in O.S.No.16 of 2008 is dismissed making it clear that the unregistered sale deed dated 08.05.1981 can only be marked for collateral purpose of proving character of possession by respondents 1 to 3 and not for proving the ownership of the second petitioner.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(M.S.RAMACHANDRA RAO, J)

25th July 2019
RRB