

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION Nos.2076 AND 2121 OF 2019

COMMON ORDER:

Since the issue involved in these two Civil Revision Petitions is one and the same, they are being disposed of by this common order.

2) C.R.P.No.2076 of 2019 is filed under Article 227 of the Constitution of India, by the revision petitioner/defendant aggrieved by the order dated 14.08.2019 passed in I.A.No.349 of 2017 in O.S.No.780 of 2014 by the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad, wherein the said I.A filed by the respondent/plaintiff seeking to recall her evidence (PW.1) for marking of unregistered agreement of sale, was allowed.

3) C.R.P.No.2121 of 2019 is filed under Article 227 of the Constitution of India, by the revision petitioner/defendant aggrieved by the order dated 14.08.2019 passed in I.A.No.99 of 2016 in O.S.No.780 of 2014 by the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad, wherein the said I.A filed by the petitioner/defendant seeking to reject the suit agreement of sale dated 22.04.2008 by disallowing the respondent/plaintiff either to mark or impound the said document, was dismissed.

4) The respondent herein is the plaintiff and the revision petitioner herein is the defendant in O.S.No.780 of 2014.

5) Heard the learned counsel for the revision petitioner/defendant and perused the record.

6) Learned counsel for the revision petitioner/defendant contends that so-called unregistered agreement of sale dated 22.04.2008 is bogus and concocted one and it was brought into existence to claim the relief sought in the suit. It is further submitted that there are doubts with regard to purchase of stamps as well as the contents of the document in question. Therefore, the Court below ought not have allowed the respondent/plaintiff to mark the said document and ultimately prayed to set aside the impugned orders dated 14.08.2019 by allowing the revision petitions.

7) Under the given circumstances, the subject unregistered agreement of sale dated 22.04.2008 was impounded as required under the Indian Stamp Act, and the plaintiff intends to mark the same. The Court below vide impugned order dated 14.08.2019 in I.A.No.349 of 2017 held that "Regarding genuinity of agreement of sale and regarding the proof of contents, it shall be decided after trial".

8) As seen from the impugned order, the binding nature and validity etc., of the subject unregistered agreement of sale, are left open to be determined after due trial of the suit. Now the circumstances placed on record, do not make out a case that the impugned orders passed by the Court below are perverse and interference is warranted by this Court. The Court below, after hearing both sides, had rightly passed the impugned orders. There is nothing to take a different view. Therefore, the Civil

Revision Petitions are devoid of merits and are liable to be dismissed.

9) Accordingly, both the Civil Revision Petitions are dismissed at the admission stage. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 19.11.2019
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