

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2748 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff aggrieved by the order dated 05.07.2019 passed in I.A.No.101 of 2019 in O.S.No.1394 of 2014 by the learned XVII Additional Senior Civil Judge, City Civil Court at Hyderabad, whereby the application filed by the respondent/defendant No.1, under Order VIII Rule 1-A(3) of CPC, to receive the memorandum of gift dated 22.08.2013, was allowed.

2. Heard learned counsel for the revision petitioner and perused the record.

3. Learned counsel for the revision petitioner/plaintiff would contend that the subject document was signed only on last page. There is no signature on the first, second and third pages. It is a fabricated and concocted document. For want of registration, it is not admissible in evidence. The Court below ought not have allowed the subject application and ultimately prayed to set aside the impugned order dated 05.07.2019 passed in I.A.No.101 of 2019 in O.S.No.1394 of 2014 by the learned XVII Additional Senior Civil Judge, City Civil Court at Hyderabad and allow the civil revision petition.

4. It is relevant to state that the existence of the so-called memorandum of gift deed dated 22.08.2013 is figuring in para 6 of the written statement filed by respondents/defendants. Respondent No.1 has placed reliance on the subject memorandum of gift deed to substantiate her title, etc. Admittedly, the said document is not a

registered one. The Court below while dealing with the subject matter did not give any finding with regard to the validity, genuineness and binding nature, etc., of the said document and further the issue regarding its registration can be decided by the Court below, while delivering judgment. Therefore, no illegality or perversity has been committed by the Court below in passing the impugned order.

5. In the result, the Civil Revision Petition is dismissed at the stage of admission.

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

Dr. SHAMEEM AKTHER, J

Date: 22.11.2019
ssp

