

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

**C.R.P.No.3967 of 2018**

**O R D E R:**

This Revision is filed challenging the action of the IX Additional Chief Judge, City Civil Court, Hyderabad, in marking a Partition Deed dt.26.09.1988 as Ex.B6 in O.S.No.4 of 2008 on his file during the course of evidence of 1<sup>st</sup> respondent/1<sup>st</sup> defendant, in spite of an objection being taken by the petitioner/plaintiff's counsel that the document requires registration.

2. Counsel for the petitioner contended that the document in question being unregistered cannot be received in evidence, since it is not the contention of the 1<sup>st</sup> respondent that it is sought to be marked for any collateral purpose.

3. Counsel for 1<sup>st</sup> respondent however places reliance on the decision of the Hon'ble Supreme Court in ***Bipin Shantilal Panchal v. State of Gujarat and Another***<sup>1</sup> where the Supreme Court suggested that objections as to admissibility of documents which were being decided at the time of marking of the documents, need not be decided at that stage because it could delay the disposal of the suit, and they should be decided at the time of hearing arguments finally in the suit. However, it clarified that objections relating to deficiency of stamp duty on a document has to be decided at the time when it was raised before proceeding further.

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<sup>1</sup> 2001(3) SCC 1

4. The above case arose under Narcotic Drugs and Psychotropic Substances Act, 1985, but it does not pertain to any civil dispute, and so the observations made therein cannot be applied to civil proceedings. In any event, it is only a suggestion by the Hon'ble Supreme Court to ensure that trial in criminal cases did not get protracted.

5. Therefore, I am of the opinion that the Court below could not have put off decision about the admissibility of the document marked as Ex.B-5 and it should first decide the said objection raised by the petitioner and then proceed further in the matter.

6. The Civil Revision Petition is disposed of directing the IX Additional Chief Judge, City Civil Court, Hyderabad, to decide the objection raised by the petitioner/plaintiff about the admissibility of the document marked as Ex.B-5 in O.S.No.4 of 2008 on his file and only then proceed further in the matter. No order as to costs.

7. Consequently, miscellaneous petitions pending if any shall stand dismissed.

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**M.S. RAMACHANDRA RAO, J**

19<sup>th</sup> February, 2019.

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