

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

CIVIL REVISION PETITION NO.5018 OF 2015

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dated 27.10.2015 passed in I.A.No.3429 of 2015 in O.S.No.34 of 2008 on the file of the Chief Judge, City Civil Court, Hyderabad.

In the said order, the Court below refused to permit the petitioner to adduce in evidence an agreement of sale dated 01.12.2004 on the ground that the petitioner did not pay the stamp duty and penalty of Rs.2,19,890/- which the petitioner himself undertook to pay through a memo dated 28.01.2008 and also violated the condition imposed by the Court below on 20.06.2013 in I.A.No.1153 of 2012 asking him to pay stamp duty and penalty on the said document as a condition for setting aside the dismissal of the suit for default on 13.02.2012.

Since the petitioner himself has filed an undertaking on 28.01.2008 before the Court below that he would pay the deficit stamp duty and penalty at the time of trial and has not honoured the said undertaking, the petitioner cannot be permitted to avoid making the said payment.

Therefore, I do not see any error of jurisdiction in the order of the Court below warranting interference by this Court under Article 227 of the Constitution of India.

Accordingly, the Revision fails and is, accordingly, dismissed. Interim order granted earlier is vacated.

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

(M.S.RAMACHANDRA RAO, J)

25th July 2019
RRB

