

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

C.R.P.No.6838 of 2018

O R D E R:

This Revision is filed assailing the order dt.04.10.2018 in O.S.No.788 of 2015 of the XXVII Additional Chief Judge, City Civil Court, Secunderabad permitting the 1st respondent/plaintiff to mark Agreement of Sale dt.20.03.2012 overruling the objection of the petitioner/7th defendant that the document is insufficiently stamped and also unregistered.

2. Perusal of the order passed by the Court below shows that the Court recorded that counsel for petitioner has objected to the marking of the document not only on the ground that it is not properly stamped but also that it is unregistered, but the Court below has simply dealt with the registration aspect and ignored the objection raised by the petitioner that the document is also insufficiently stamped.

3. Though counsel for 1st respondent sought to sustain the order, he also could not point out from the impugned order that the Court below has considered the issue of insufficiency of stamp duty on the said document while passing the impugned order.

4. Therefore, the order dt.04.10.2018 in O.S.No.88 of 2015 of the XXVII Additional Chief Judge, City Civil Court, Secudnerabad is set aside; the said Court is directed to consider not only the issue of proper stamp duty but also the issue of registration regarding the Agreement of Sale dt.20.03.2012 which the 1st respondent intends to

mark and then pass a reasoned order in accordance with law. This exercise shall be done within a period of six (06) weeks from the date of receipt of a copy of this order.

5. The Civil Revision Petition is allowed as above. No order as to costs.

6. Consequently, Miscellaneous petitions pending if any shall stand dismissed.

06th February, 2019.
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M.S. RAMACHANDRA RAO, J

