

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.7319 of 2018

ORDER:

Heard Sri S. Sridhar, counsel for petitioner, and Sri L.Ravichander, learned senior counsel, appearing for Sri G.Srinivas, counsel for respondents.

2. This Revision is filed under Article 227 of the Constitution of India challenging the order dt.29.08.2018 in O.S.No.90 of 2012 of the VII Additional District Judge, Mahabubnagar, refusing to mark a document styled as “Cancellation of Agreement of Sale-cum-General Power of Attorney” dt.21.09.2012 sought to be exhibited through PW.1 by the petitioner.

3. The Court below observed that the said document is compulsorily registerable and is inadmissible in evidence.

4. It is the main contention in the suit that, though the said document is executed, further action was not being taken up by the defendant. So, the plea of refusing to mark the document on the ground of it being un-registered, cannot be sustained.

5. As regards the plea of insufficiency of stamp duty, counsel for the petitioner states that he is ready to pay the stamp duty and penalty thereon if the document is impounded and sent to the District Registrar for the said purpose under Section 33 of the Indian Stamp Act, 1899, and other provisions there under.

6. Accordingly, the Civil Revision Petition is allowed; and order dt.29.08.2018 in O.S.No.90 of 2012 of the VII Additional District Judge, Mahabubnagar, is set aside; and the said Court is directed to impound the document in question and send it to the District Registrar for collection of stamp duty and penalty, without reference of the objection as to registration. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

19th August 2019

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M.S. RAMACHANDRA RAO, J

