

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.3146 of 2019

ORDER:

Heard learned counsel for the petitioner, and learned counsel for the 1st respondent.

It is a case where the 1st respondent filed an application invoking Order XIII Rule 3 read with Section 151 CPC seeking to reject the document dated 23.04.1998 styled as "Tafseelnama" (hereinafter referred to as "Tafseelnama"). The said document which was produced on behalf of defendants 1 to 7 was admitted in evidence and marked as Exhibit-D5 subject to objections.

While the learned counsel for the petitioners/defendants submits that there was no objection raised at the time of marking, learned counsel for the 1st respondent/plaintiff would submit that even before the same was marked as Exhibit D5, an objection was raised with respect to the Tafseelnama by way of a memorandum of objection on the ground that the Tafseelnama was not stamped and registered.

A perusal of the document styled as "Tafseelnama" would show that the same is a record of family arrangement/settlement, and not a document by itself creating any rights. The impounding of the document is required to be considered by the trial Court at the time of arguments. For the present, as it is well settled that even a memorandum of family settlement is required to be stamped and the same not having been stamped, the same could not be marked as an exhibit without first impounding the same. Inasmuch as the learned counsel for the petitioners is ready to get the document impounded, and considering that the suit is filed for partition, I deem it appropriate to remit back the case to the learned trial Court with a further direction to impound the document by

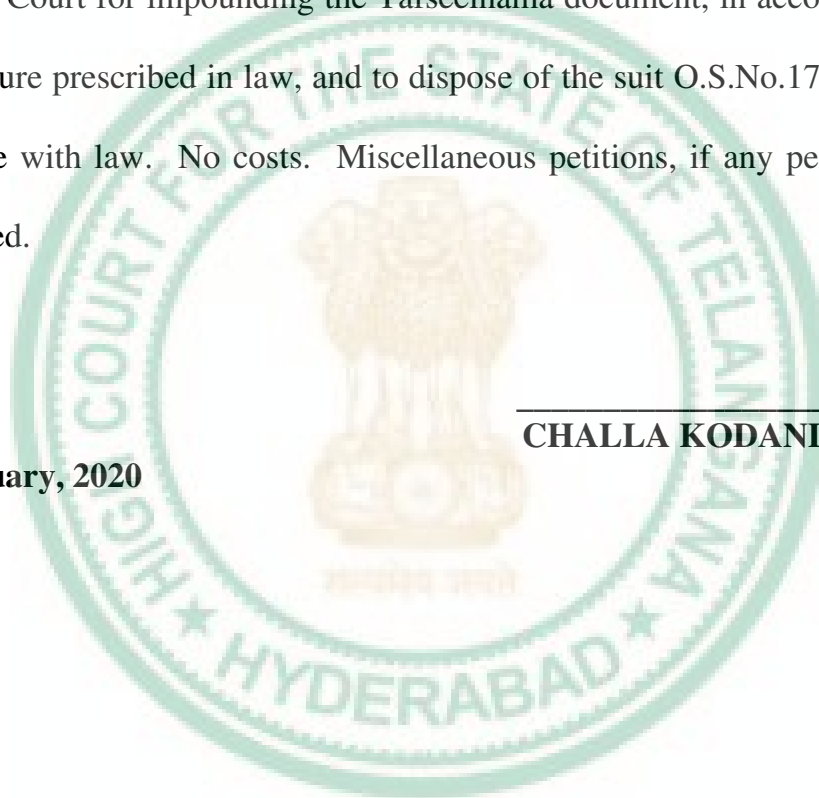
following due process. It is made clear that this Court is not expressing any opinion with respect to either the contents of the document or with respect to the effect of the contents of the document, and it is left open to the trial Court to decide at the time of arguments. As the suit is of the year 2012, the learned trial Court shall take necessary steps to dispose of the suit, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of, by remitting the matter back to the trial Court for impounding the Tafseelnama document, in accordance with the procedure prescribed in law, and to dispose of the suit O.S.No.17 of 2012, in accordance with law. No costs. Miscellaneous petitions, if any pending, shall stand closed.

17th February, 2020

KSM

CHALLA KODANDA RAM, J



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