

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.VENKATESHWARA REDDY

CIVIL REVISION PETITION NO: 1665 OF 2014

Between:

Veerati Raji Reddy, D/o Malla Reddy, Occ: Agriculture, R/o Sreeramulapally (V),
Ambala (H) of Karimnagar District.

...PETITIONER

AND

1. Kancharakuntla Susheela, W/o Mahinder Reddy, R/o 2-1-676. Near Old Boarding Office, Vidyaranyapuri, Hanamkonda.
2. Kancharakuntla Mahindar Reddy, S/o Sailu, Occ: Govt Employee, R/o 2-1-676, Near Old Boarding Office, Vidyaranyapuri, Hanamkonda.

...RESPONDENTS

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the docket order of the learned II Addl. Senior Civil Judge, Warangal dated 19/03/2014, in O.S.No.112 of 2005.

I.A. NO: 1 OF 2014 (CRPMP. NO: 2343 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to order stay of all further proceedings in O.S.No.112/2005 on the file of the II Addl. Senior Civil Judge, Warangal dated 19/03/2014 pending disposal of the CRP.

Counsel for the Petitioner : SRI J. VISVESWARUDU

Counsel for the Respondents: SRI C. A. R. SESHAGIRI RAO

The Court made the following: ORDER

HON'BLE SRI JUSTICE A. VENKATESHWARA REDDY

CIVIL REVISION PETITION NO.1665 of 2014

ORDER:

The petitioner / plaintiff has filed this Civil Revision Petition under Article 227 of Constitution of India assailing the docket order dated 19-03-2014, in O.S.No.112 of 2005, on the file of II Addl. Senior Civil Judge, Warangal.

2. That on 19-03-2014, the learned II Senior Civil Judge, Warangal has passed the impugned docket order in O.S.No.112 of 2005, wherein at the time of recording the evidence of DW-1 a document styled as affidavit is said to have been executed by one Mr.Virat Raj Reddy in favor of his daughter Smt.Kanchara Kuntla Susheela is sought to be exhibited. Accordingly, since the said document intends to record the earlier transaction, it was ordered for impounding with required stamp duty and penalty for using the same for collateral purposes as it is a compulsory registerable document under Section 17 of the Indian Registration Act and the said direction was also complied with. The trial Court has analyzed the facts and discussed the principles laid down by this Court in Uppula Ramesh v. Elagandula Harinath and others reported in 2014 (1) ALD 1 and arrived at this conclusion. Thereafter, the suit was posted for marking the

document in the evidence of DW-1. At that stage, the plaintiff has carried the matter to this Court in the Civil Revision Petition alleging that Court below has erred in not considering the principles laid in Uppula Ramesh's case referred to above and misread the contents of the documents and that the Court below ought to have seen that the contents of the document only show that it is an affidavit instead it has been mentioned as gift deed, which is not correct in law.

3. Learned counsel for the petitioner called absent. No representation. Heard learned counsel for the respondents. Perused the record.

4. The Original Suit is filed by plaintiffs for declaration of title and recovery of possession. After the written statement of defendants 1 and 2 is filed issues were settled, evidence on behalf of plaintiffs was closed. When the evidence of defendants was in progress, DW-1 has filed his evidence affidavit in lieu of chief examination. At this stage, for exhibiting the document dated 28-02-1989 which is styled as affidavit, the other side has taken objection. The Court below after studied examination of entire contents of the document recorded its finding to the effect that, though the document is styled as an affidavit the contents *prima facie* shows that it is a gift deed, which is prepared on insufficient stamp paper and

as directed the defendant has paid the deficit stamp duty and penalty on 26-07-2013. The trial Court held that the said document can be marked, subject to the objection of the plaintiff, which can be answered after culmination of the trial in the judgment.

5. Considering the nature and stage of the suit, as the said document is filed by the defendants along with the written statement and that the plaintiff is not taken by surprise, the trial Court has rightly analyzed the contents of the said document, treated it as un-registered gift deed, which is a compulsorily registered document directed the defendants for payment of requisite stamp duty and penalty for receiving the said document in evidence only for collateral purposes. It is made clear that mere exhibiting the document itself is not a sufficient proof of the contents of the same and it is for the petitioner / plaintiff to prove the contents of the same, in accordance with law, and that said document shall be received only for collateral purposes and not for any other purpose.

6. In that view of the matter, I do not find any jurisdictional error committed by the Court below and the docket order dated 19-03-2014 does not warrant any interference by this Court.

7. In the result, the Civil Revision Petition is dismissed confirming the order impugned dated 19-03-2014 in O.S.No.112 of 2005. Considering the fact that the Original Suit is filed in the year 2005 and the proceedings in the suit were stayed by this Court on 24-06-2014, the Court below is directed to expedite the disposal of the matter and shall dispose of the Original Suit, within six (6) months, from the date of receipt of a copy of this order. Both the parties to the suit shall cooperate for expeditious disposal of the suit as directed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-K.ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Additional Senior Civil Judge at Warangal
2. One CC to Sri J. Visveswarudu, Advocate [OPUC]
3. One CC to Sri C. A. R. Seshagiri Rao, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

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HIGH COURT

DATED: 04/01/2022



ORDER

CRP.No.1665 of 2014

**DISMISSING THE
CIVIL REVISION PETITION**

ATM 6
3/1/2022