

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

**FRIDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CIVIL REVISION PETITION NO: 1803 OF 2022

Petition under Article 227 of the Constitution of India, against/aggrieved by the order dated 17/06/2022, in I.A. No. 177/2019 in O.S. No. 59/2015 on the file of the Junior Civil Judge, at Atmakur.

Between:

1. V. Gangadhar Goud, S/o. V. Seetharam Goud, aged about 74 years, Occ. Agriculture, R/o. H. No. 2-94, Atmakur village and Mandal, Wanaparthy District.

...PETITIONER/RESPONDENT

AND

1. V. Ramesh Goud, S/o. Late Balram Goud aged about 64 years, Occ. Agriculture, R/o. Undyala village, Chinna Chinthakunta Mandal, Mahabubnagar District.
2. V. Pruthvi Goud, S/o. Late Balram Goud aged about 60 years, Occ. Agri. And Business, R/o. Undyala village, Chinna Chinthakunta Mandal, Mahabubnagar District.

...RESPONDENTS/PETITIONERS

IA NO: 1 OF 2022

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 stay of all further proceedings in the suit including the further trial of the suit in O.S. No. 59/2015 on the file of the Junior Civil Judge, Atmakur, pending disposal of main revision.

Counsel for the Petitioners: SRI M. DAMODAR REDDY

Counsel for the Respondents 1 & 2: None Appeared

The Court made the following: ORDER

THE HONOURABLE SRI.JUSTICE K.LAXMAN
CIVIL REVISION PETITION.NO.1803 OF 2022

ORDER

Heard Sri M.Damoar Reddy, learned counsel appearing for the petitioner and the learned counsel appearing for respondents.

2. Perusal of record would reveal that the respondents/plaintiffs have filed a suit vide O.S.No.59 of 2015 to restrain the petitioner/defendant from interfering with the possession of respondents/plaintiffs over the suit schedule property.

3. During the pendency of the said suit, the respondents herein have filed an application vide I.A.No.177 of 2019 seeking to receive a document i.e. unregistered partnership deed dated 15.12.1969. The petitioner/defendant has opposed the said application on the ground that the said document sought to be filed by the respondents is an unregistered document. However, vide order dated 17.06.2022 the learned Junior Civil Judge, Atmakur, allowed the said application subject to proof and relevancy. Challenging the said order, the petitioner herein had filed the present Civil Revision petition.

4. Sri.M.Damodar Reddy, learned counsel for the petitioner would submit that the father of the respondents has filed a suit vide O.S.No.20 of 1983 seeking perpetual injunction and in the said suit also he sought to file the additional document, but the Court below has taken objection that it was not retained. Subsequently, the said suit was dismissed but the Court below has received the said document subject to proof and relevancy. He further submits that since the said document is not a registered document, it cannot be received and marked.

5. It is relevant to note that for the purpose of receiving a particular document, registration is not compulsory but for marking of the said document, registration is compulsory. Therefore, though learned counsel appearing for the petitioner/defendant herein opposed the said application i.e., I.A.No.177 of 2019 saying that it is not a registered document and it is not impounded, the Court below has allowed the said application subject to proof and relevancy.

6. The Court below rightly held that the objection with regard to the registration and impounding of document has to be taken at the time of marking of that particular document. Therefore, according to this Court the impugned order is reasoned order and does not require interference of this Court in exercise of its powers under Article 227 of Constitution of

India. The suit is of the year 2015 and notices are waived on respondent Nos.1 and 2.

7. In view of the above discussion, petitioner is granted liberty to raise all the objections including non-registration of subject document and impounding of the same at the time of marking of the said document. As stated above, the suit is pertaining to the year 2015, therefore, learned Junior Civil Judge, Atmakur shall dispose of the said suit in accordance with law within three weeks from the date of receipt of this order.

8. Accordingly, this Civil Revision Petition is disposed of at the admission stage.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/- T. SRINIVAS
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Junior Civil Judge, a Atmakur
2. One CC to M/s. M. DAMODAR REDDY, Advocate [OPUC]
3. Two CD Copies
4. One Spare Copy

BN

Handwritten signature

HIGH COURT

DATED:26/08/2022



ORDER

CRP.No.1803 of 2022

DISPOSING OF THE CIVIL REVISION PETITION
AT THE ADMISSION STAGE

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12/12/22
HVT