

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CIVIL REVISION PETITION NO: 3206 OF 2025

Civil Revision filed under Article 227 of the Constitution of India, aggrieved by the Order dated 11.07.2025 passed in O.S.No.1493 of 2012 on the file of the Court of the Principal Junior Civil Judge at Warangal.

Between:

Gali Vijaya Kumar, S/o. Narsaiah Aged about 38 years, Occ. Business, R/o. H.No. H.No.5-49, Chithalapelli (Station), Shayampet Haveli, Geesugonda Mandal, Warangal District, Represented by his GPA Holder Gali Pawan Kumar, S/o. Premsagar, aged about 39 years, Occ. Artisan, Electricity Department, R/o. Shayampet Haveli, Geesugonda Mandal, Warangal District

...Petitioner/Defendant No.3.

AND

1. Birru Radha, W/o. Babu, aged about 41 years, Occ. Household, R/o. Q.No.581/2, Railway Quarters, Chinthal Basthi, Kazipet, Warangal District.
2. Dasari Vinoda, W/o. Ramesh, aged 44 years, Occ. Household, R/o. Q.No.122/2, Railway Quarters, Chinthal Basthi, Kazipet, Warangal District.
3. Mekala Prasanna Kumari Mekala Yashoda, W/o. Praveen Kumar, aged 40 years, Occ.Household, R/o. 1-3-102, Nehru Street, Dornakal village, and Mandal, Warangal District.
4. Gali Ravinder, S/o. Mallesham Aged about 32 years, Occ. Agriculture, R/o. Chinthalapally village, Geesugonda Mandal, Warangal District.
5. Kalakotla Manikyam, S/o. Komuraiah, aged 68 years, Occ. Retd. Employee, R/o. Labour Colony, Warangal.

(Respondents 4 and 5 are not necessary parties in the C.R.P.)

...Respondents/Defendants 1 and 2

IA NO: 1 OF 2025

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 all further proceedings in O.S.No.1493/2012 on the file of the Principal Junior Civil Judge, Warangal.

IA NO: 2 OF 2025

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 the petitioner herein prays that this additional affidavit and documents of petition, affidavit and counter in IA No 512 of 2024 for proper adjudication of the case.

Counsel for the Petitioner: Ms P.SARADA

Counsel for the Respondents: SRI S.A.V.RATNAM

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

CIVIL REVISION PETITION No.3206 OF 2025

ORDER:

Heard Mrs. P. Sarada, learned counsel for the petitioner.

2. This revision is filed by defendant No.3 challenging the docket order dated 11.07.2025 in O.S. No.1493 of 2012 passed by learned Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Warangal.

3. Respondent Nos.1 to 3 herein are the plaintiffs in O.S. No.1493 of 2012, while respondent Nos.4 and 5 and the petitioner herein are the defendants in the said suit.

4. Respondent Nos.1 to 3 herein have filed the aforesaid suit for perpetual injunction against the petitioner herein and respondent Nos.4 and 5 in respect of the agricultural land to an extent of Acs.2.00 guntas in Survey No.141, situated at Shayampet Haveli Village, Geesugonda Mandal, Warangal District. According to them, they being own sisters have jointly purchased the said property under a registered sale deed bearing document No.2854 of 2008, dated 24.05.2008 from Udayaraju Manikya Rao @ Vaddiraju Manikya Rao.

Respondent No.4 is their brother. Except the said relationship, he has no right, title or interest over the subject property. Respondent No.5 is yes-man of respondent No.4. When respondent Nos.4 and 5 tried to interfere with the possession of respondent Nos.1 to 3, they filed the aforesaid suit seeking the relief of perpetual injunction.

5. During pendency of the said suit, the petitioner herein was added as defendant No.3 in the said suit *vide* order dated 15.12.2014 in I.A. No.68 of 2014. According to the petitioner herein, respondent Nos.1 to 3 are not the owners of the subject property and that they never in possession of the suit schedule property. It is the case of the petitioner that the father of respondent Nos.1 to 4 purchased the land to an extent of Acs.2.00 guntas in Survey Nos.103, 104 (Old), 141 (New) on 10.01.1974 from Mr. Udayaraju Manikya Rao through a simple sale deed. Later, he sold the same extent of land along with another Ac.0.20 guntas to Mrs. Gali Mariyamma, the mother of the petitioner herein under an agreement of sale dated 09.05.2008 for a total sale consideration of Rs.1,75,000/- and delivered the possession. Thus, the mother of the petitioner was in possession of the subject

land and after her demise, the petitioner is in possession of the subject property.

6. While so, when the aforesaid case was coming up for the evidence of defendant No.3, defendant No.3 executed a General Power of Attorney in favour of his lease holder, Mr. Gali Pawan Kumar. Accordingly, on 03.07.2025 Gali Pawan Kumar filed his affidavit in-lieu of chief examination as DW.3. In the said chief-examination, it is mentioned that DW.3 also executed simple lease deed (Kaulunama) on 22.05.2013 in favour of defendant No.3. The said lease deed was also filed and marked as Ex.B12, while the said General Power of Attorney bearing document No.BK-IV 1/2023, dated 07.02.2023 executed by the petitioner herein in favour of DW.3 as Ex.B13. Accordingly, on 11.07.2025, the said lease deed was marked as Ex.B12, on which day, the trial Court made the following docket order:

“DW.3 called present. Defendant counsel called present. Plaintiff counsel called present. DW3 present. Ex.B12 marked. At the time of marking of documents of DW3 learned counsel for plaintiff has taken objection for marking of Ex.B12 unregistered lease deed on the ground that the said

lease deed ought to have been registered, hence not admissible in evidence. On the other hand the learned counsel for defendant submitted that it is not necessary to register the said lease deed.

I have perused the lease deed dt.22.05.2013. The lease deed is executed for more than 11 months and as such it is a document which needs to be compulsorily registered. Hence in order to be admissible in evidence it needs to be registered. Hence this court holds that the said document cannot be marked.

Counsel for plaintiff has also taken objection for marking of Ex.B14 mentioned in the chief affidavit. For hearing on the objection call on 25.07.2025.

7. Challenging the aforesaid docket order, defendant No.3 filed the present writ petition.

8. It is contended by learned counsel for the petitioner - defendant No.3 that despite raising objection by learned counsel for the plaintiff, the trial Court marked Ex.B12. Once the document is marked, the trial Court cannot be held that it is inadmissible. Therefore, the trial Court erred in holding that Ex.B12 is inadmissible and the same is liable to be set aside.

9. The aforesaid facts would reveal that despite objection raised by learned counsel for the plaintiff, the trial Court marked Ex.B12 - unregistered lease deed dated 22.05.2013 executed by DW.3 in favour of defendant No.3. Thereafter, on the objection raised by learned counsel for the plaintiff, *vide* impugned docket order 11.07.2025, the trial Court held that Ex.B12 is inadmissible since it is unstamped/unregistered.

10. On raising objection by learned counsel for the plaintiff to mark Ex.B12, the trial Court should have decided the said objection first and, thereafter, should have marked the said document. Instead of doing so, learned trial Court marked the said document as Ex.B12 and, thereafter, on the objection raised by learned counsel for the plaintiff, *vide* impugned docket order dated 11.07.2025 the trial Court held that Ex.B12 is inadmissible in evidence since it is not registered one. Thus, the approach of learned trial Court is contrary to the procedure laid down under law and also the principle laid down by the Hon'ble Supreme Court and this Court.

11. Once a document is exhibited/marked, the aggrieved party has to file an application seeking de-exhibit of such document. In the

present case, the trial Court having marked Ex.B12 despite raising of objection by learned counsel for the plaintiff, *vide* impugned docket order dated 11.07.2025 held that the same is inadmissible. Thus, learned trial Court despite raising objection by learned counsel for the plaintiff, marked Ex.B12 without deciding the said objection and, thereafter held that it is inadmissible.

12. For de-exhibiting Ex.B12, there are two (02) options for the plaintiff; (i) filing an application to de-exhibit Ex.B12; and (ii) making submission during hearing of suit that Ex.B12 is inadmissible on the ground of non-registration of document. Instead of doing so, learned counsel for the plaintiff raised objection with regard to admissibility of Ex.B12 and the trial Court considered the same *vide* impugned docket order dated 11.07.2025 holding that it is inadmissible. Thus, the approach of the trial Court in holding that Ex.B12 is inadmissible is illegal and contrary to the procedure laid down under law.

13. It is also apt to note that learned trial Court can invoke its inherent powers under Section - 151 of CPC to correct the said mistake committed by it i.e., marking of Ex.B12 despite raising

objection by learned counsel for the plaintiff without deciding the said objection.

14. It is also apt to note that in **G.M. Shahul Hameed v. Jayanthi R. Hegde**¹, the Apex Court appreciated the approach of trial Court in correcting the mistake of marking an insufficiently GPA as an exhibit despite raising objection, without deciding the said objection by invoking its inherent powers under Section - 151 of CPC.

14.1. Paragraph Nos.18 and 19 are relevant and the same are extracted below:

“18. On the face of such an order, it does not leave any scope for doubt that on the date the GPA was admitted in evidence and marked as an exhibit, the Trial Court did not deliberate on its admissibility, much less applied its judicial mind, resulting in an absence of judicial determination. In the absence of a ‘decision’ on the question of admissibility or, in other words, the Trial Court not having ‘decided’ whether the GPA was sufficiently stamped, section 35 of the 1957 Act cannot be called in aid by the respondent. For section 35 to come into operation, the instrument must have been “admitted in evidence” upon a

¹. 2024 INSC 493

judicial determination. The words "judicial determination" have to be read into section 35. Once there is such a determination, whether the determination is right or wrong cannot be examined except in the manner ordained by section 35. However, in a case of "no judicial determination", section 35 is not attracted.

19. In the light of the aforesaid reasoning of the Trial Court of admitted failure on its part to apply judicial mind coupled with the absence of the counsel for the appellant before it when the GPA was admitted in evidence and marked exhibit, a factor which weighed with the Trial Court, we have no hesitation to hold that for all purposes and intents the Trial Court passed the order dated 19th October, 2010 in exercise of its inherent power saved by section 151, CPC, to do justice as well as to prevent abuse of the process of court, to which inadvertently it became a party by not applying judicial mind as required in terms of sections 33 and 34 of the 1857 Act. We appreciate the approach of the Trial Court in its judicious exercise of inherent power."

15. In the light of the aforesaid discussion and the principle laid down by the Apex Court, the impugned docket order dated 11.07.2025 holding that Ex.B12 is inadmissible is liable to be set aside.

16. The present Civil Revision Petition is accordingly allowed. The impugned docket order dated 11.07.2025 in O.S. No.1493 of 2012 passed by learned Principal Junior Civil Judge, Warangal, is set aside. The matter is remanded to learned trial Court granting liberty to the plaintiff to avail the aforesaid two (02) options i.e., filing an application to de-exhibit Ex.B12; and (ii) making submission during hearing of suit that Ex.B12 is inadmissible on the ground of non-registration of document, or to learned trial Court to correct the said mistake as appreciated by the Apex Court in **G.M. Shahul Hameed (Supra)**. In the circumstances of the cases, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the revision shall stand closed.

SD/- L LAKSHMI BABU
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

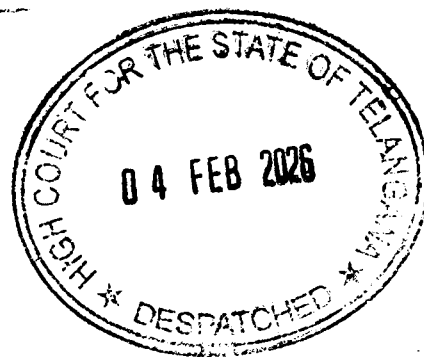
1. The Registrar (Judicial-I), High Court for the State of Telangana, Hyderabad.
2. The Principal Junior Civil Judge, Waranga.
3. One CC to Ms. P.SARADA Advocate [OPUC]
4. One CC to Sri S.A.V. RATNAM Advocate [OPUC]
5. Two CD Copies
6. The Section Officer, C.R.P. SECTION and V.R. Section, High Court at Hyderabad.



NVB/PSL

HIGH COURT

DATED:17/10/2025



ORDER

CRP.No.3206 of 2025

ALLOWING THE CIVIL REVISION PETITION

SMT
16/1/26