

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

**WEDNESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

CIVIL REVISION PETITION NO: 4199 OF 2025

Petition under Article 227 of the Constitution of India, Aggrieved by the Docket Order dated 09.09.2025 in O.S.No.44 of 2023 passed by the Court of the Principal Senior Civil Judge at Wanaparthy (Old O.S.No. 128 of 2013 on the file of Prl. Junior Civil Judge's Court, Wanaparthy)

Between:

M. Venkataiah, s/o. Pedda Savaraiah, aged about 48 years, occupation. TSRTC Driver, r/o. Nagavaram village of Wanaparthy Mandal.

...Petitioner/Defendant

AND

P.Gopalamma, w/o. Venkateshwar Reddy, aged about 50 years, occupation School Correspondent. r/o. Wanaparthy.

...Respondent/Plaintiff.

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 of O.S. No. 44 of 2023 on the file of the Senior Civil Judge at Wanaparthy, pending disposal of the above C.R.P.,

Counsel for the Petitioner: Mr. V HANUMANTH RAO, Advocate

Counsel for the Respondent: Mr M DAMODAR REDDY, Advocate

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

CIVIL REVISION PETITION No.4199 of 2025

DATE OF ORDER 10.12.2025

Between:

1. M.Venkataiah S/o. Pedda Savaraiah, aged
About 48 years, occupation:TSRTC Driver,
R/o.Nagavaram village of Wanaparthy Mandal.

... petitioner

And

P.Gopalamma W/o. Venkateshwar Reddy,
Aged about 50 years, occupation:School
Correspondent, R/o. Wanaparthy.

...respondent

ORDER:

This Civil Revision Petition is filed with the following prayer:

“...begs to present this Memorandum of Civil Revision Petition being aggrieved by the Docket Order dated 09.09.2025 in O.S.No.44 of 2023 passed by the Court of Principal Senior Civil Judge at Wanaparthy (Old O.S.No.128 of 2013 on the file of Prl. Junior Civil Judge's Court, Wanaparththy for the following among other...”

2. Petitioner is defendant in O.S.No.44 of 2023 (Old O.S.No.128 of 2013) on the file of Principal Junior Civil Judge Court, Wanaparthy. Petitioner-defendant is aggrieved by the docket order, dated 09.09.2025 and the same is as follows:-

“Further, the Occupancy Rights Certificate was in original issued in the name of the plaintiff by concerned department after due enquiry maybe

basing on simple sale deed but, the same can be decided at the time of trial whether it is validly issued or not. Now, at this stage, the objection is only for marking, this Court cannot go into merits and validity of said document it is original issued by concerned department by proper procedure so admissible in evidence.”

3: Learned counsel for petitioner contended that the trial Court fell into error in permitting the plaintiff to mark the documents. Documents, put up for marking, are simple sale deed dated 19.01.1985 and an Occupancy Rights Certificate (ORC) issued on the basis of the simple sale deed. It is further submitted by learned counsel for petitioner herein (defendant in the suit) that, in a suit for injunction, marking of documents such as a simple sale deed and ORC cannot be permitted even for collateral purposes.

4. On the other hand, learned counsel for respondent herein (plaintiff in suit) submitted that there is no infirmity in the order passed by the trial Court. That the trial Court has specifically held that the same can be decided at the time of trial, whether it is a valid issue or not and that at the stage of objection for marking the documents, the trial Court cannot go into the merits and validity of the said documents.

5. Heard learned counsels, perused the record and considered the submissions.

6. A suit for perpetual injunction came to be filed bearing O.S.No.128 of 2013, re-numbered as O.S.No.44 of 2023, pending on the file of the Principal Senior Civil Judge Court, Wanaparthy. It was the case of respondent herein (plaintiff in suit) that he is the owner of land in Sy.No.142/Ru to an extent of Ac.0.06 guntas situated at Nagavaram Village, Wanaparthy Mandal, and that respondent-plaintiff purchased the said land from one Mr. Ram Reddy, S/o Nagi Reddy, by way of a private sale deed bearing Document No.507/1990. That the said land being in the nature of inam, respondent-plaintiff was issued an ORC. It is the case of respondent-plaintiff that petitioner-defendant, on 02.12.2013, tried to erase the bunds by engaging a tractor and threatened to occupy the land of plaintiff. This being the cause, the suit for perpetual injunction restraining the petitioner-defendant came to be filed. Respondent/plaintiff, at the stage of marking of documents, sought for marking of simple sale deed dated 19.01.1985 and ORC issued on the basis of the said simple sale deed.

7. It is not in dispute that the simple sale deed has been properly stamped by impounding. In a suit for injunction, it is for the plaintiff to demonstrate, as to how he has come into possession of the property. For this purpose, respondent-plaintiff

sought to mark the documents, i.e., the simple sale deed and the ORC. The same was objected by petitioner-defendant. The trial Court, after considering the submissions of both sides, held as follows:

"It is the specific submission of counsel for defendants vehemently submitted that they are claiming title, ownership and possession basing on the simple sale deed though it is impounded for want of registration the document is not admissible document even for collateral purpose the contention is not sustainable. There are catena ruling of our own Hon'ble High Court and Hon'ble Apex Court that it is settled Law that, an unregistered sale deed can be admissible in evidence for collateral purpose to show nature of possession. It is held by the Hon'ble Apex Court in Bóndar Singh and others Vs. Nihal Singh and others 2004 (1) LW 706 (SC), "the position of law on this point that unstamped and unregistered sale deed can very well be looked into even if the same is not admissible in evidence, to establish the nature of the possession of the party concerned over suit property". So, in this case, oh hand the simple sale deed is properly stamped by impounding so the same is admissible for marking for the purpose of showing how they entered into the suit property i.e., for Collateral purpose.

Further, the Occupancy Rights Certificate was in original issued in the name of the plaintiff by concerned department after due enquiry maybe basing on simple sale deed but, the same can be decided at the time of trial whether it is validly issued or not. Now, at this stage, the objection is only for marking, this Court cannot go into merits and validity of said document it is original issued by concerned department by proper procedure so admissible in evidence."

8. On a perusal of the order of the trial Court, it is apparent that the ORC is issued on the basis of a simple sale deed, which was properly stamped by impounding. For the purpose of marking of the documents, respondent-plaintiff sought indulgence of

Court, and the Court permitted marking of the documents and observed that it cannot go into the merits and validity of the said documents, at the stage of marking. The order of the trial Court is based on the decision of the Hon'ble Apex Court.

9. It is necessary that respondent-plaintiff demonstrates before the Court, in a suit for perpetual injunction, as to how he has come into possession of the said property.

10. Learned counsel for petitioner relied on the judgment of learned Single Judge of this Court in **Asma Mahmood Quadri v. Zakia Rafath Sultana** (C.R.P.No.725 of 2023) and invited the attention of this Court to the contents of order of the learned Single Judge and submitted that in the facts and circumstances of the case, the order is applicable to the facts of case.

11. Learned counsel for respondent relied on the decision of the Hon'ble Apex Court in **Muruganandam v. Muniyandi (Died) Through LRS¹** and invited the attention of this Court to paragraph Nos.9 to 11 of the said judgment. It is submitted that respondent-plaintiff be permitted to introduce the said documents as per Section 49 of the Registration Act, 1908 and that it is always open to the petitioner-defendant to raise and contest the

¹ 2025 INSC 652

relevancy and validity of the documents, as permissible in law. It is for the trial Court to consider the submissions and pass appropriate orders.

12. This Court queried the counsel for the respondent-plaintiff regarding the permissibility of raising objections in respect of the validity of the documents. It is submitted by the learned counsel that paragraph No.11 of the Hon'ble Apex Court judgment speaks of the same issue and that the revision petitioner is always at liberty to raise objections. Learned counsel for revision petitioner submits that he be permitted to raise objections.

13. In view of the submissions, this Court deems it appropriate in the interests of justice, to permit the revision petitioner to raise objections before the trial Court.

14. With the above observations, Civil Revision Petition stands disposed of. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- P. PONNA KRISHNA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge at Wanaparthy
2. One CC to Mr. V HANUMANTH RAO, Advocate [OPUC]

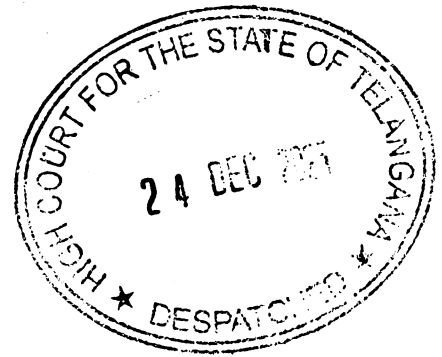
3. One CC to Mr. M DAMODAR REDDY, Advocate [OPUC]
4. Two CD Copies

[Handwritten signature]

HIGH COURT

JAK, J

DATED: 10/12/2025



ORDER

CRP.No.4199 of 2025

**Accordingly, this Civil Revision Petition stands
Disposed of.**

(6)

Yps
23/12/25