

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

C.R.P. No. 1547 of 2010

ORDER:

Aggrieved by the order dated 9-3-2010 passed in IA No. 38 of 2010 in O.S. No. 46/2008 by the III Junior Civil Judge, City Civil Court, Hyderabad where under the petition filed to reject Ex.A1-an unregistered sale certificate dated. 10-12-1955 was rejected; the petitioners therein filed the present civil revision petition.

The revision petitioners are the respondents and the respondent herein is the petitioner before the court below. The above I.A was filed under Order XIII Rule 3 of CPC to reject the alleged un-registered sale certificate marked as Ex.A1 in the suit. The respondent therein contested the petition by filing a counter contending that registration of the Certificate of sale is not compulsory as the same was issued by the authorities on 10-12-1955 and it requires registration in A.P w.e.f. 1-4-2004 only, and hence Ex.A1 is not required any registration. The court below after considering the merits of the application dismissed the same. Aggrieved thereby, the petitioners therein filed the present civil revision petition.

Heard learned counsel for the revision petitioner. A perusal of the order under challenge would go to show that it is a suit for eviction of the tenant and for recovery of possession and the Certificate of sale relied upon by the plaintiff issued by the authorities on 10-12-1955 was already got marked as Ex.A1 and therefore it cannot be questioned in later stage for want of stamp duty and that as per the provisions of the Registration Act, an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act to be registered may be received as evidence of contract in a suit for specific performance or as evidence of any collateral transaction not required to be effected by registered instrument, therefore, the court

below dismissed the petition. In view of the cogent reasons adduced by the trial court, I do not see any valid ground to interfere with the same.

This civil revision petition is, therefore, dismissed at the stage of admission.

JUSTICE T MEENA KUMARI

15/4/2010

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15th April 2010