

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**Civil Revision Petition No.4427 of 2015**

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**Dated 30<sup>th</sup> October, 2015**

**Between:**

Pothamsetty Peda Venkataramaiah

**...Petitioner**

**And**

Pothamsetti Chinna Venkataramaiah and another

**...Respondents**

**Counsel for the petitioner: Sri G.Rama Sarma**

**Counsel for the respondents: ---**

**The Court made the following:**

**ORDER:**

This civil revision petition is filed against order, dated 10.09.2015, in I.A.No.1535 of 2015, in O.S.No.130 of 2013, on the file of the learned Senior Civil Judge, Sattenapalli.

I have heard Sri G.Rama Sarma, learned counsel for the petitioner, and perused the record.

The petitioner filed the above-mentioned suit for partition and separate possession of the suit schedule properties. Respondent No.1, who is defendant No.1, has filed I.A.No.1535 of 2015 under Sections 33 to 35 of the Indian Stamp Act, 1899 (for short 'the Act') for sending the possessory agreement of sale, dated 27.06.1995, to the District Registrar, Narasaraopet for collection of stamp duty and penalty. Though the petitioner opposed this application, the lower Court has allowed the same.

The learned counsel for the petitioner submitted that as Section 33 of the Act imposes an obligation on the public authority including the Court before which an unstamped or improperly stamped document is produced, to send the same to the competent authority for impounding, his client is not aggrieved by the order of the lower Court to the extent of ordering the document to be sent to the District Registrar for collection of stamp duty. The learned counsel has, however, expressed an apprehension that the lower Court may straightaway admit the document after impounding without considering the objection of the petitioner on the admissibility of an unregistered document in view of specific embargo contained in Section 49 of the Registration Act, 1908.

A perusal of the order under revision shows that the lower Court has not expressed any view on the admissibility or otherwise of the agreement of sale, dated 27.06.1995. The said issue arises only after impounding of the document. Therefore, the apprehension of the petitioner is misconceived. It is needless to observe that the lower Court will consider the objections of the petitioner on the admissibility of the unregistered possessory agreement of sale even after its impounding and take a decision thereon after hearing both the parties.

Subject to the above observations, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, CRP.M.P.No.5861 of 2015 shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

30<sup>th</sup> October, 2015

VGB