



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3331]

MONDAY, THE 27th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 2918/2024

Between:

1. BURUGUPALLI KAMESWARA RAO,, S/O. KRISHNA MURTHY, AGED 76 YEARS, CULTIVATION, R/O. D.NO. 6-109, UNDRAJAVARAM VILLAGE AND MANDAL, TANUKU.

...PETITIONER

AND

1. GAMIDI VENKATA SUBBA RAO, S/O. LATE VENKATESWARLU @ PICHAYYA, AGED 60 YEARS, BUSINESS, C/O. PICHAYYA GARI BATTALA KOTTU, MAIN ROAD, D.NO. 6-112 AND 6-112A, UNDRAJAVARAM MANDAL.

2. GAMINIVENKATA RAMA RAO KING, S/O. LATE VENKATESWARLU @ PICHAYYA, AGED 58 YEARS, BUSINESS, C/O. PICHAYYA GARI BATTALA KOTTU, MAIN ROAD D.NO. 6-112 AND 6-112A, UNDRAJAVARAM MANDAL.

3. GAMINI JAYA SREE, W/O. LATE VENKATA RATNAM, AGED 58 YEARS, HOUSE WIFE, C/O. PICHAYYA GARI BATTALA KOTTU MAIN ROAD, D.NO. 6-112 AND 6-112A, UNDRAJAVARAM MANDAL.

4. GAMIDI SARASWATHI, W/O. LATE VENKATESWARLU @ PICHAYYA, AGED 85 YEARS, HOUSE WIFE, C/O. PICHAYYA GARI BATTALA KOTTU MAIN ROAD, D.NO. 6-112 AND 6-112A, UNDRAJAVARAM MANDAL.

5. THE GRAM PANCHAYAT, UNDRAJAVARAM REP. BY ITS SECRETARY.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the Civil Revision Petition by setting aside the Decree and Docket Order dated 25.09.2024 in said I.A. No. 547 of 2024 in O.S. No. 224 of 2016 on the file of the Court of the learned I Additional Civil Judge (Junior Division), Tanuku and allow the said application in the interest of justice and pass

IA NO: 1 OF 2024

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 may be pleased to grant stay of all further proceedings of OS No 224 of 2016 on the file of the court of the learned I Additional Civil Judge (Junior Division), Tanuku, pending disposal of the above Civil Revision Petition and pass

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 extend the interim order dt. 29-11- 2024 passed by this Hon'ble Court in I.A. No.1 of 2024 in C.R.P No.2918 of 2024, in the interests of justice and pass

Counsel for the Petitioner:

1.M SRI ATCHYUT

Counsel for the Respondent(S):

1.KANUKOLANU SRI SAI SANJAY

2.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra

The Court made the following:

::ORDER ::

The plaintiff in the suit filed the above civil revision petition assailing the order dated 25.09.2024 passed in I.A.No.547 of 2024 in O.S.No.224 of 2016 on the file of the learned I Addl. Civil Judge (Junior Division), Tanuku.

2. Heard Sri M. Sri Atchyut, learned counsel for the petitioner and Sri K. Sri Sai Sanjay, learned counsel appeared for respondents 1 & 2.

3. The plaintiff filed a suit in O.S.No.224 of 2016 against the defendants to declare that he is the absolute owner of ABCD schedule property and consequential for recovery of 28 square yards shown as CDEF etc. Along with the suit, the partition dated 12.02.1937 was filed. During the course of the plaintiff's evidence, the plaintiff intends to mark the said document. Upon an objection regarding its admissibility for want of compulsory registration, the trial Court declined to receive the document. The C.R.P.No.2957 of 2019 filed by the plaintiff was dismissed as withdrawn on 12.10.2022.

(a) Later, the plaintiff paid stamp duty and penalty. The plaintiff filed I.A.No.547 of 2024 under Order XVIII Rule 17 r/w Section 151 of the Code of Civil Procedure to recall the P.W.1 for further chief examination and for marking of the document dated 12.02.1937. The 2nd defendant filed a counter and opposed the application. The trial Court, by order dated 25.09.2024, dismissed the application holding that even though the document is stamped and penalty paid and defect is cured, since the document is not registered, it is inadmissible in evidence.

4. Learned counsel for the petitioner, by relying upon the judgment of Hon'ble Apex Court in **Rana Vidya Bhushan Singh v. Ratiram**¹, would submit that the document can be marked for collateral purpose.

5. Learned counsel appearing for the respondents would submit that since the document is not registered, it cannot be marked for collateral purpose.

6. The point for consideration is:

“Whether the order dated 25.09.2024 passed in I.A.No.547 of 2024 in O.S.No.224 of 2016 on the file of the learned I Addl. Civil Judge (Junior Division), Tanuku suffers from any illegality, warranting interference?”

¹ (1969) 1 UJ 86 (SC)

7. As seen from the material available on record, there is no dispute regarding suit in O.S.No.224 of 2016 for declaration, recovery of possession and consequential injunction. An interlocutory application was filed to recall the evidence of PW.1 for marking the document dated 12.02.1937. The plaintiff paid the requisite stamp duty and penalty in respect of the said document. The document sought to be marked by recalling PW.1 is the partition deed dated 12.02.1937.

8. A document required by law to be registered, if unregistered, is inadmissible as evidence of a transaction affecting immovable property, but it may be admitted as evidence of collateral facts, or for any collateral purpose, that is for any purpose, other than that of creating, declaring, assigning, limiting or extinguishing a right to immovable property.

9. The Hon'ble Apex Court in **K.B. Saha and Sons Private Limited v. Development Consultant Limited**², at para No.34, observed as follows:

“34. From the principles laid down in the various decisions of this Court and the High Courts, as referred to hereinabove, it is evident that:

1. A document required to be registered, if unregistered is not admissible into evidence under Section 49 of the Registration Act.

2. Such unregistered document can however be used as an evidence of collateral purpose as provided in the proviso to Section 49 of the Registration Act.

3. A collateral transaction must be independent of, or divisible from, the transaction to effect which the law required registration.

4. A collateral transaction must be a transaction not itself required to be effected by a registered document, that is, a transaction

² (2008) 8 SCC 546

creating, etc. any right, title or interest in immovable property of the value of one hundred rupees and upwards.

5. *If a document is inadmissible in evidence for want of registration, none of its terms can be admitted in evidence and that to use a document for the purpose of proving an important clause would not be using it as a collateral purpose.”*

10. Keeping in view the expression of the Hon’ble Apex Court, the trial Court should have exercised the jurisdiction vested in it and allowed the interlocutory application. However, the learned trial court failed to exercise the jurisdiction vested in it. If the order under revision is allowed to be continued, it will result in a miscarriage of justice. Therefore, the order under revision brooks interference of this Court.

11. Given the facts and circumstances of the case, the Civil Revision Petition is allowed. The order dated 25.09.2024 passed in I.A.No.547 of 2024 in O.S.No.224 of 2016 on the file of the learned I Addl. Civil Judge (Junior Division), Tanuku, is hereby set aside. I.A.No.547 of 2024 stands allowed. The learned trial Court shall recall the PW.1 for the purpose of marking the document dated 12.02.1937. The learned trial Court shall mark the document subject to objection, keeping in view the judgment of the Hon’ble Apex Court in **Bipin Shantilal Panchal v. State of Gujarat and another**³. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 27.07.2026
TVN

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

³ (2001) 3 SCC 1

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TVN