

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

MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HON'BLE SMT. JUSTICE RENUKA YARA

CIVIL REVISION PETITION NO: 2560 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the order dated 05-08-2024 passed in I.A.No.286 of 2024 in O.S.No.160 of 2016 on the file of the Court of the Principal Senior Civil Judge, at Mahabubnagar.

Between:

M. Pranithi, D/o. Late M. Srihari, aged 22 years,
Represented through her GPA Holder M. Rekha, W/o. Late M. Srihari, aged 38 years, Occ: Housewife, R/o. H No. 2-1-25/3/A 1 to 4 Kommugri, Mahabubnagar District.

...Petitioner/Respondent/Plaintiff

AND

1. Veljala @ M. Venkata Narsamma, died per LRs 3 to 5
2. M. Niranjan @ Bharat, S/o. Late, Dasharath, Aged 38 years, Occ. Private employee R/o. H.No.2-1-25/3/A, Kommuger, Mahabubnagar Town and District.
3. Kokkalola Anuradha, W/o. K. Shiva Kumar, Aged 45 years, Occ. Government employee (Aaya) R/o. H No. 6-25/2, Christianpally, Mahabubnagar
4. B. Jyothi, W/o. B. Satyanarayana, Aged 42 years, Occ: Housewife R/o. Kucherkallu Village, Balanagar Mandal Mahabubnagar District.
5. Hemalatha, D/o. Late M. Dasharath, Aged 40 years, Occ. Housewife, R/o. Bhagiratha Collony Mahabubnagar

...Respondents/Petitioners/defendants 2 to 5

I.A. 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 to suspend the operation of the Order and Decree dated 05.08.2024 passed in I.A. No. 286 of 2024 in O.S. No. 160 of 2016 on the file court of the Principal Senior Civil Judge at Mahabubnagar, pending disposal of main CRP.

I.A. NO: 4 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 to extend the interim Order passed in IA No. 1 of 2024 in CRP No. 2560 of 2024, dt. 30-08-2024 in the interest of justice.

Counsel for the Petitioner: Sri J. Ram Mohan Rao

Counsel for the Respondent No.2: M/s. K. Chaithanya

The Court made the following: ORDER

**IN THE COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT. JUSTICE RENUKA YARA
CIVIL REVISION PETITION NO.2560 of 2024

16TH DAY OF MARCH, 2026

Between:

M. Pranithi

...Petitioner/respondent/plaintiff

and

Veljala @ M. Venkata Narsamma died per LRs. and 4 others

...Respondents/petitioners/defendants

ORDER:

Heard Sri J. Rama Mohana Rao, learned counsel for the petitioner and Sri K. Chaithanya, learned counsel for respondent No.2. Perused the record.

2. The Civil Revision Petition is preferred by the revision petitioner/respondent/plaintiff aggrieved by the order passed by the learned Principal Senior Civil Judge, Mahabubnagar (for short 'the Trial Court') in I.A.No.286 of 2024 in O.S.No.160 of 2016 dated 05.08.2024, wherein, the said petition filed under Section 33 of Indian Stamp Act to refer the original Agreement document dated 26.12.2013 (Oppandapatram executed by Ramachandraiah) and original Notarized partition document

(Bhagaparisshkara patram) dated 07.11.2014 (executed among Manemma and Venkata Narsamma) for calculating stamp duty and penalty, has been allowed.

3. The revision petitioner/plaintiff filed the main suit vide O.S.No.160 of 2016 seeking declaration of title, recovery of possession and mandatory injunction not to interfere in the peaceful possession of the suit schedule property by the respondents herein with respect to property consisting of house bearing No.2-1-25/3/A consisting of 5 rooms in an extent of 120 Sq.Yds., and House bearing No.2-1-25/3/A1 to 4 consisting of 5 rooms in an extent of 120 Sq.Yds., both situated at Kommugeri, Mahaboobnagar Town, Mahaboobnagar District. In said suit, the matter is at the stage of recording of evidence of DW2, i.e., the chief affidavit is filed and the same is to be affirmed on oath. At that stage, the defendant Nos.2 to 5 i.e. respondent Nos.2 to 5 have filed the petition under Section 33 of Stamp Act to examine original Agreement document dated 26.12.2013 and the original Notarized document dated 07.11.2014 for calculating stamp duty and penalty, which respondent Nos.2 to 5 are ready to pay. At the time of filing the written statement, the respondents have filed Oppandapatram

dated 26.12.2013 and original Bhagaparishkara Patram dated 07.11.2014. Said documents were not marked on account of objection raised by the petitioner's counsel. The objections raised were absence of signature of mother of the deponent Venkata Narsamma. Venkata Narsimlu and others have signed a document on Oppandapatram as witnesses. The executant died and the document is to be confronted to DW2, Venkata Narsimlu. Said document was executed on a Rs.100/- Non-Judicial stamp paper and therefore, it is necessary to pay the required stamp duty. For deciding the same, the petition is filed.

4. The revision petitioner herein i.e. plaintiff opposed the petition on three grounds. The first ground is that the documents sought to be impounded being created documents. The second ground is the suspicious circumstances surrounding the documents and the third ground is incompleteness of the documents. It is the case of the petitioner that in the Agreement dated 24.12.2013, the handwriting on the first page is different compared to the handwriting on the second page. Further, signature of Ramachandraiah on the first page and the second page are forged. The evidence of DW1 is

that the Agreement was executed on 24.12.2013, but the Agreement itself contains the date as 26.12.2013 in the column of notary signature. There is a correction in the date from 16.12.2013 to 26.12.2013. The person, M. Venkata Narasamma has not put her signature on all the pages of the document. All these circumstances go to show that the document dated 26.12.2013 is a forged document. Also, the petitioner had given a police complaint against M. Venkata Narsamma and the attesting witnesses by lodging FIR in Crime No.184 of 2017. Therefore, the respondents have not made any effort to exhibit the document when they marked Exs.B14 to B65. Thereafter, filed the present petition under Section 33 of Indian Stamp Act, which is not applicable to ambiguous documents.

5. The learned Trial Court observed that, two suits are filed i.e. O.S. No.154 of 2016 along with the O.S.No.160 of 2016. In O.S.No.160 of 2016, the relief sought is declaration of title and recovery of possession. Whereas, in O.S.No.154 of 2016, the petitioner has sought declaration of her legal status against the respondents. Both the matters are tried together by recording the evidence in O.S.No.160 of 2016. At the stage of recording evidence of DW2, the respondents wanted to confront

Oppandapathram dated 26.12.2013 and Bhagaparthikara Pathram dated 07.11.2014 to DW2. The objections raised about said documents about the handwriting being different or the signatures being different or the dates being different are all matters which can be considered at a later stage at the stage of arguments. Since the respondents were ready to pay stamp duties, the Trial Court deemed it appropriate to permit the respondents to pay the necessary stamp duty and penalty. Aggrieved by said finding, the present Civil Revision Petition is filed.

6. The respondent No.2 filed counter alleging that the matter of genuineness of the documents can be examined during trial. At the stage of admission, it is necessary to impound and the respondents are willing to impound the documents by paying penalty and therefore, there can be no objection to the petitioner when the court permitted the same.

7. The petitioner filed rejoinder to the counter filed by respondent No.2 reiterating the objections raised for impounding the documents as they were raised before the Trial Court. In addition, the petitioner pleaded that an I.A is filed to

send Oppandapatram dated 26.12.2013 to Forensic Laboratory for expert opinion to decide its genuineness. Further pleaded that the document dated 07.11.2014 is a Partition Deed executed between Manemma and M. Venkata Narsamma, who do not have the properties in their names and without observing the same, the I.A has been allowed.

8. In grounds of revision, the petitioner pleaded that she has filed a detailed counter in the Interlocutory Application filed under Section 33 of Indian Stamp Act to send documents dated 26.12.2013 and 07.11.2014 for the purpose of calculating stamp duty and penalty and for impounding. It is alleged that without considering the objections raised in the counter, the impugned order was passed to refer the documents to the District Registrar for the purpose of collection of stamp duty and penalty. There is discrepancy with respect to handwriting in the document dated 26.12.2013 on the first page and second page. There is a discrepancy in the date of the document at the notary's signature and the body of the document and the signatures are forged. Without considering these factors, the Trial Court has allowed the Interlocutory Application. It is insisted that both the documents are not genuine documents

not signed by the mother of the respondents, Venkata Narsamma, however, the relief sought was granted. It is pleaded that the Trial Court committed error in observing that in a Partition Deed, all the family members must be added, and without knowledge of the petitioner, a Partition Deed cannot come into existence. As such, prayed that the impugned order is liable to be set aside.

9. The learned counsel for petitioner argued that the respondents intend to mark original Agreement dated 26.12.2023 and Notarized Partition Deed dated 07.11.2014. There are serious objections to marking said documents and impounding them. Firstly, the genuineness of said documents is questioned. There are suspicious circumstances surrounding the documents. Forgery is alleged, criminal complaints are given in that regard and therefore, permitting the respondents to send said documents for impounding is an error committed and therefore, sought that the impugned order be set aside. Reference is made to judgment of the High Court of Andhra Pradesh in the case of **Hazrami Gangaram v. Kamlabai and**

another¹, wherein, it is held that a document is chargeable to duty when it is validly executed under the Act and no other formalities are required under any other law to make it chargeable to stamp duty. It is argued that the document dated 26.12.2023 is a forged document and therefore, the same cannot be impounded. The document dated 07.11.2014 does not contain the signatures of all the family members and therefore, said document is also not amenable for impounding. According to the learned counsel for the petitioner, documents which are forged and created documents cannot be permitted to be impounded before their genuineness is decided. Therefore, it is prayed that the impugned order is liable to be set aside.

10. The learned counsel for respondents argued that the forgery or genuineness of the document can be decided after full-fledged trial. In the interlocutory proceedings, it is not possible for deciding the genuineness of a document. It is argued that the documents are intended to be confronted to DW2 and therefore, the documents which need stamp duty have to be impounded for the purpose of being admitted in ~~evidence~~ evidence. It is emphasized that mere admission does not mean

¹ AIR 1968 AP 213 (FB)

proof of the document. The petitioner herein would have ample opportunity to question the genuineness of the document even after the same is marked as an Exhibit. It is emphasized that merely on account of raising questions of genuineness of a document, a document cannot be denied from being impounding when the respondents are ready to pay the stamp duty as well as penalty.

11. It is a point to be noted that the suit is filed for declaration of title and delivery of possession. That being the case, the case of the petitioner has to stand and fall on the strength of her own case. Weaknesses in the case of the respondents/defendants cannot come to her aid. It is for the petitioner to prove her case of declaration of title on the basis of positive evidence to be adduced on her behalf. In case, the evidence produced by the defendants has any defects, the same would not come to the aid of the petitioner in proving her case for declaration. When the respondents intend to introduce certain documents, the court has to consider whether they are admissible or not at the stage of marking them at the first instance. At that stage, when the respondents themselves admit that the documents to be confronted to DW2 require payment of

stamp duty and they are willing to pay the same, the Trial Court in its discretion permitted the respondents to pay the stamp duty by allowing the Interlocutory Application under revision. It is in the discretion of the court to permit impounding when a document requires compulsory registration but was not done so. At this stage, the respondents have only sought relief of impounding the documents to confront them and mark as Exhibits. Mere marking as an Exhibit in itself does not confer genuineness on the documents. During the cross examination, the petitioner herein can always question the genuineness of the documents produced by the respondents i.e. Agreement document dated 26.12.2013 and Notarized partition document dated 07.11.2014. Merely on account of objections raised as to genuineness, the respondents cannot be denied an opportunity to put forth their case.

12. The judgment in the case of **Hazrami Gangaram (supra)** relied upon by the petitioner in fact says that an instrument need not be valid in the eye of law or meet requirements of law as a valid document before it is chargeable to stamp duty under the Act. The aforementioned legal ratio clearly permits impounding of a document, even if said

document is not valid in the eye of law or it does not meet the requirements of law. Therefore, notwithstanding the objections about the Agreement document dated 26.12.2023 being a forged document or the Partition document dated 07.11.2014 being an incomplete document, the Trial Court has correctly permitted the respondents to pay the stamp duty and penalty by sending them for impounding to the District Registrar. All the issues raised by the petitioner can be considered at the time of final arguments wherein the genuineness of contents of all the documents marked by both the parties can be considered.

At this stage, this Court does not see any reason to interfere with the impugned order passed by the learned Trial Court.

In the result, the Civil Revision Petition is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

Sd/- A.SREENIVAS REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge, at Mahabubnagar
2. One CC to Sri J. Ram Mohan Rao, Advocate [OPUC]
3. One CC to M/s. K. Chaithanya, Advocate [OPUC]
4. Two CD Copies

Kam/BA

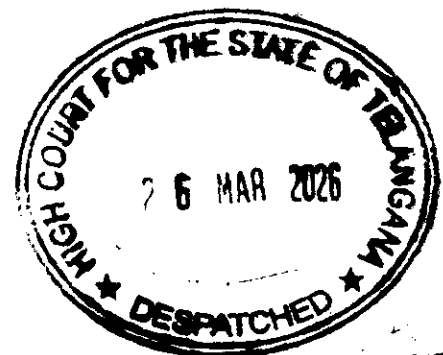
[Signature]

HIGH COURT

DATED: 16/03/2026

ORDER

CRP.No.2560 of 2024



DISMISSING OF THE CRP

⑥ MT
26/3/26