



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

[3460]

MONDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CIVIL REVISION PETITION NO: 42/2023

Between:

Injam Lakshmi Devi and Others

...PETITIONER(S)

AND

Lanke Srinivasa Rao

...RESPONDENT

Counsel for the Petitioner(S):

1.NARASIMHA RAO GUDISEVA

Counsel for the Respondent:

1.BHASKAR GANDHAM

CIVIL REVISION PETITION NO: 43/2023

Between:

Injam Lakshmi Devi and Others

...PETITIONER(S)

AND

Lanke Srinivasa Rao

...RESPONDENT

Counsel for the Petitioner(S):

1.NARASIMHA RAO GUDISEVA

Counsel for the Respondent:

1.BHASKAR GANDHAM

CIVIL REVISION PETITION NO: 442/2023

Between:

Injam Lakshmi Devi and Others

...PETITIONER(S)

AND

Lanke Srinivasa Rao

...RESPONDENT

Counsel for the Petitioner(S):

1.NARASIMHA RAO GUDISEVA

Counsel for the Respondent:

1.

The Court made the following COMMON ORDER:

C.R.P.No.42/2023, CRP No.43/2023 and CRP No.442/2023 are filed against the orders dated 19.12.2022 in I.A.Nos.527/2022, 525/2022 and 526/2022 respectively in O.S.No.338/2015 passed by the Additional Senior Civil Judge, Machilipatnam.

2. The petitioners herein are the defendants. The suit in O.S.No.338/2015 was filed for specific performance of Agreement of Sale dated 07.07.2010 and to deliver possession of the same in favour of the plaintiff and register or in the alternative to refund the advance amount. The schedule property is an agricultural land, comprising of total extent of three items, which is described as items 1 to 3 in the suit schedule of total extent of Ac.9.03 cents.

3. The defendants filed their written statement disputing the said claim. After the conclusion of trial, the petitioners herein filed (i) I.A.No.525/2022 seeking to recall DW.1 for the purpose of marking the proposed documents as Exs.B1 and B.2 (ii) I.A.No.526/2022 seeking to recall the evidence of DW.1 for

the purpose of marking the proposed documents market value certificate as Exs.B1 and B.2, and (iii) I.A.No.527/2022 seeking to receive the proposed documents market value certificates and mark the same as Exs.B1 and B.2. The aforesaid applications, on contest, were dismissed by the trial Court. Aggrieved, the present Civil Revision Petitions are filed.

4. Heard Sri Narasimha Rao Gudiseva, learned counsel for the petitioners, and Sri Shaik Meeravali, learned counsel, representing Sri Bhaskar Gandham, learned counsel for the respondent.

5. Learned counsel for the petitioners contends that the only document that is sought to be marked in evidence is the Certificate of market value of the schedule property as on 01.07.2010 i.e., the approximate date of the agreement of sale. Learned counsel further contends that this would establish the variance in the Agreement of sale and the minimum basic value which has been prescribed in the office of the District Registrar for registration of the schedule land. He further contends that this document is required to establish the variance as the value of the land as per the disputed Agreement of sale is Rs.1,25,000/- per acre, whereas the minimum value as per the Register is Rs.3,50,000/- per acre.

6. Learned counsel for the respondent contends that the said document has no relevance as there is no bar for the parties to agree to the amount lesser than the market value. It is his case that the document is of no

relevance and the interlocutory applications are filed only to delay and drag the proceedings in the suit.

7. Having heard the respective counsel, this Court is of the opinion that the document that is proposed to be received in evidence is only the certificate, issued by the District Registrar and is maintained as per the statutory requirement. As the document is the statutory one, the trial Court should have received the said document in evidence rather than dismissing the applications. It would have altogether a different case if the private document is to be marked in evidence. But, it is the statutory registered document maintained in the regular course of business by the District Registrar. The document, in the considered opinion of this court, should be received in evidence.

Accordingly, these Civil Revision Petitions are allowed, subject to condition that the petitioners shall pay costs of Rs.7,500/- (Rupees Seven thousand and five hundred only) to the respondent/plaintiff's counsel within a period of three (3) weeks from today, failing which these Civil Revision Petitions shall stand dismissed.

The trial court shall fix a date for recalling the witness for the purpose of marking the said document and on the date fixed, it should be completed, and no further adjournment shall be granted by the trial court, unless valid reasons are found. The petitioners shall not protract any cause for further delay in the

suit. The trial Court shall make endeavour to dispose of the suit in O.S.No.338/2015 within a period of six (6) months from today.

As a sequel, Interlocutory applications, pending if any, shall stand closed.

Date: 02.12.2024
MVA

NYAPATHY VIJAY, J