

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**CIVIL REVISION PETITION No.73 of 2015**

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**ORDER :**

This civil revision petition is filed under Section 115 of the Civil Procedure Code, by the petitioner in E.A.No.464 of 2014 in E.P.No.343 of 2008 in O.S.No.345 of 1997, aggrieved by order dated 24.11.2014, passed in the said E.A., by the Principal Junior Civil Judge, Machilipatnam.

Respondents 1 to 3 are plaintiffs in a suit for partition, in O.S.No.345 of 1997. It is stated that the subject matter of suit property is indivisible and when there was an auction, respondents 1 to 3 themselves have purchased the property. In execution proceedings, the petitioner, who is a third party to the suit, has filed a claim petition, claiming to have purchased the said property through the deceased-defendant No.4. It was his further case that the other share holders in the property have already relinquished their shares in favour of the deceased-defendant No.4. As the said document was not stamped, he filed an application under Section 32 of the Stamp Act, for impounding the original relinquishment deed, dated 05.06.1985. Such application is dismissed on the ground that the relinquishment deed is a compulsorily registerable document and as the same was not registered, petitioner is not entitled to the relief as

prayed for.

In this revision petition, it is contended by the learned counsel for petitioner that as much as there is relinquishment deed in favour of the deceased-defendant No.4 by the other share holders in the property, the said document can be considered for the collateral purpose of establishing the petitioner's possession.

The petitioner is claiming title based on registered sale deed, which itself is executed by the deceased-defendant No.4 basing on the relinquishment deed executed in her favour by the other share holders. It is also not in dispute that the relinquishment deed is a compulsorily registerable document under Section 17 of the Registration Act, 1908. Further, when the petitioner seeks to establish his title to the suit schedule property by relying on the relinquishment deed, it cannot be said that such document is filed only for collateral purpose. In that view of the matter and in view of the reasoning assigned by the Court below, I do not find any ground to interfere with the impugned order.

The revision is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

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**R. SUBHASH REDDY, J**

23<sup>rd</sup> January 2015

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