

2022 LiveLaw (SC) 970

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SANJIV KHANNA; J., J.K. MAHESHWARI; J.**

NOVEMBER 14, 2022

CIVIL APPEAL NOS. OF 2022 (@SLP(C) No. 14882-14883/2022)

SIRIKONDA MADHAVA RAO *versus* N. HEMALATHA & ORS.

Civil Trial - Once a document has been admitted in evidence, such admission cannot be called in question at any stage of the suit or proceedings on the ground that the instrument has not been duly stamped. Objection as to admissibility of a document on the ground of sufficiency of stamp, has to be raised when the document is tendered in evidence. Thereafter, it is not open to the parties, or even the court to reexamine the order or issue. Referred to *Javer Chand and Ors. Vs. Pukhraj Surana*, (1962) 2 SCR 333 and *Shyamal Kumar Roy Vs. Sushil Kumar Agarwal*, (2006) 11 SCC 331.

(Arising out of impugned final judgment and order dated 12-04-2022 in CRP No. 979/2021 20-07-2022 in RCRPMP No. 2/2022 passed by the High Court for the State of Telangana at Hyderabad)

For Petitioner(s) Mr. Y. Krishnamurthy, Adv. Mr. T. V. George, AOR; For Respondent(s) Mr. B. Adinarayana Rao, Sr. Adv. Mr. B. Suyodhan, Adv. Mr. Kumar Shashank, Adv. Ms. Tatini Basu, AOR

ORDER

Leave granted.

It is accepted that the document dated 14.04.1993 purporting to be an unregistered sale deed was marked as Exhibit No. A-1 on 27.11.2006.

In view of the aforesaid position, we do not think that the impugned judgment passed by the High Court directing that the aforesaid document should be de-marked and not be treated as an exhibit, is correct and in accordance with law. Once a document has been admitted in evidence, such admission cannot be called in question at any stage of the suit or proceedings on the ground that the instrument has not been duly stamped. Objection as to admissibility of a document on the ground of sufficiency of stamp, has to be raised when the document is tendered in evidence. Thereafter, it is not open to the parties, or even the court to reexamine the order or issue.¹ To this extent, the impugned judgment is set aside and the appeal is allowed.

We clarify that we have not commented or examined the question of effect of purported non-registration of the sale deed in terms of the Transfer of Property Act, 1882 and the Registration Act, 1908. These questions and issues are left open to be decided by the trial court. All pleas and contentions raised by the parties in this regard can be raised before the trial court, which will examine the said aspect and other issues without being influenced by the present order and the impugned judgment.

The appeals are allowed in the aforesaid terms, without an order as to costs.

Pending application(s), if any, shall stand disposed of.

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¹ See *Javer Chand and Ors. Vs. Pukhraj Surana*, (1962) 2 SCR 333 and *Shyamal Kumar Roy Vs. Sushil Kumar Agarwal*, (2006) 11 SCC 331.