

**HIGH COURT OF ANDHRA PRADESH**  
THURSDAY ,THE TWENTIETH DAY OF APRIL  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI**  
**CIVIL REVISION PETITION NO: 1797 OF 2015**

**Between:**

1. C.SREEMATH S/o.C.Lakshmana Rao, Hindu, Occ: Business  
R/o.D.No.12-5, Rajivgandhi Nagar Panchayat,  
Tirupati Urban Mandal, Chittoor District.

**...PETITIONER(S)**

**AND:**

1. NARRA AUDILAKSHMI & 3 ORS W/o.late Narra Audaiah, Hindu  
R/o.D.No.18-1-36, Santhi Nagar Colony,  
K.T.Road, Tirupati, Chittoor District.
2. Narra Lalitha D/o.N.Prabhakar, Hindu  
R/o.D.No.18-1-36, Santhi Nagar Colony,  
K.T.Road, Tirupati, Chittoor District.
3. Narra Saritha D/o.N.Prabhakar, Hindu  
R/o.D.No.18-1-36, Santhi Nagar Colony,  
K.T.Road, Tirupati, Chittoor District.
4. Narra Thulasi D/o.N.Prabhakar, Hindu  
R/o.D.No.18-1-36, Santhi Nagar Colony,  
K.T.Road, Tirupati, Chittoor District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): V NITESH**

**Counsel for the Respondents: P JAGADISH CHANDRA PRASAD**

**The Court made the following: ORDER**

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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**C.R.P.No.1797 OF 2015**

**Between:**

C.Sreemath,  
S/o.C.Lakshmana Rao,  
Aged 29 years, Hindu, Business,  
R/o.D.No.12-5,  
Rajivgandhi Nagar Panchayat,  
Tirupati Urban Mandal,  
Chittoor District.

....Petitioner/Defendant.

**Versus**

1. Narra Audilakshmi, W/o.Late Narra Audaiah,  
Hindu, Aged 78 years.
2. Narra Lalitha, D/o.N.Prabhakar,  
Hindu, Aged 30 years.
3. Narra Saritha, D/o.N.Prabhakar,  
Hindu, Aged 29 years.
4. Narra Thulasi, D/o.N.Prabhakar,  
Hindu, Aged 28 years.

All are R/o.D.No.18-1-36,  
Santhinagar Colony,  
K.T.Road, Tirupati Town,  
Chittoor District.

....Respondents/Plaintiffs.

DATE OF ORDER PRONOUNCED : 20.04.2023

SUBMITTED FOR APPROVAL:

**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

1. Whether Reporters of Local Newspapers  
may be allowed to see the Judgment? Yes/No
2. Whether the copy of Judgment may be  
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the  
fair copy of the Judgment? Yes/No

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**B.V.L.N.CHAKRAVARTHI, J**

**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**+ C.R.P.No.1797 OF 2015**

**% 20.04.2023**

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Santhinagar Colony,  
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Chittoor District.

....Respondents/Plaintiffs.

**! Counsel for the Petitioner** : Sri V.Nitesh

**^ Counsel for the Respondents** : Sri P.Jagadish Chandra Prasad

**< Gist:**

**> Head Note:**

**? Cases referred:**

**1) AIR 1929 Madras 79**

This Court made the following:

**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**CIVIL REVISION PETITION No.1797 OF 2015**

**ORDER:**

Heard the learned counsel for Revision Petitioner.

2) The revision is filed against the docket order dated 01.04.2015, where under, the learned trial Judge held that the disputed document is not a gift deed and rejected the objection raised by the Revision Petitioner/defendant that it cannot be received in the evidence without registration U/s.17 of Registration Act, 1908.

3) The learned counsel for the Revision Petitioner would submit that as per contents of the disputed document one Brundavanam Srinivasacharyulu on 07.02.1981 had conveyed right in immovable property to the plaintiff for no consideration, and therefore it falls under the definition of a gift deed, it requires registration as per section 17(1) of Registration Act 1908.

4) None appeared for the respondents.

5) In the light of above contention of the Revision Petitioner, the point that would arise for consideration in the revision petition is as under:

**Whether the trial Court committed any material irregularity in holding that the disputed deed does not require registration?**

6) **POINT:**

The respondent/plaintiff filed the suit for declaration of right of way, and for a consequential permanent injunction.

7) The respondent/plaintiff in her evidence placed the impugned document before the trial Court to receive in evidence. It was titled as 'deed conferring passage right'. The revision petitioner opposed for receiving the document in the evidence on the ground that it requires registration. Hence, it is to be seen whether it is a document transferring easement right or it is a document which requires compulsorily registration.

8) The recitals of the disputed document would show that Sri Brundavanam Srinivasacharyulu i.e executant permitted the adjoining owner i.e respondent/plaintiff, to use executant's passage, to reach the



back yard of the respondent/plaintiff's house. Therefore, it is manifestly clear from the recitals that there is no 'transfer of title/ownership' of the property to the plaintiff. The intention of the executant is only creation of right of easement, for no consideration. While interpreting the document not only the contents have to be kept in mind, but the real intention of the parties is also to be determined.

9) As per section 54 of the Transfer of Property Act, there is no sale unless transfer of ownership in exchange for a price paid or promised to be paid or partly paid or partly promised to be paid takes place.

10) Therefore, in the impugned document there is no 'transfer of title/ownership' of the property as is contemplated for sale under section 54 or gift under section 122 of the Transfer of property Act, 1882. The disputed deed would show that it was executed for grant of an easement only, and it was a gratuitous act.

11) The Hon'ble High Court of Madras in **Musunoori Satyanarayana Murti Vs. Chakka Lakshmayya and others**<sup>1</sup>, held that creation of right of easement by grant is not a transfer of ownership as contemplated by section 54 of Transfer of Property Act, and the easement by grant may be created by oral agreement and it may be

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<sup>1</sup> AIR 1929 Madras 79

gratuitous. There is nothing in law which necessitate the creation of an easement being evidenced by registered document.

12) Hence the impugned document in the case, does not require registration. Therefore, it is admissible in evidence.

13) In that view of the matter, there are no grounds to interfere with the finding of the trial Court. Therefore, the Civil Revision Petition is devoid of merits.

14) In the result the Civil Revision Petition is dismissed. There shall be no order as to costs.

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

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**B.V.L.N.CHAKRAVARTHI, J.**

**20.04.2023**

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**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**C.R.P.No.1797 OF 2015**

**Note: Mark L.R.Copy**

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**20<sup>th</sup> April, 2023**

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