



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD**

**WRIT PETITION NO.10301 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SRI. V. PADMANABHAIA  
S/O LATE VENKATASWAMAPPA  
AGED ABOUT 70 YEARS  
R/AT NO.22, 8TH MAIN ROAD  
SAMPANGIRAMANAGARA  
BANGALORE-560027

REP. BY HIS GENERAL POWER OF ATTORNEY  
SRI. NAGARAJA REDDY T.K.  
S/O KRISHNA REDDY  
AGED ABOUT 50 YEARS  
R/AT THIRUPALYA,  
BOMMASANDRA INDUSTRIAL ESTATE  
ANEKAL, BANGALORE-560099.

...PETITIONER

(BY SRI. K. CHANDRANATH ARIGA, ADVOCATE)

**AND:**

1. SRI KALYAN B. BADAMI  
S/O BASAPPA  
AGED ABOUT 43 YEARS  
NO.270, RENUKA NILAYA  
3RD CROSS, 3RD BLOCK  
JNANABHARATHI LAYOUT  
VOLAGEREHALLI, NEAR ANJANEYA TEMPLE  
DUBASIPALYA, R.V.C.E. POST  
BANGALORE-560059.

...RESPONDENT

(BY SRI. B.C.VENKATESH, ADVOCATE FOR C/R)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED:09.04.2025 ONLY TO THE EXTENT OF THE ORDER PASSED ON I.A NO. IV IN O.S NO.8381/2023 ON THE FILE OF THE XVI ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-12) (ANNEXURE-E) AND TO SET ASIDE DATED.13.02.2026 PASSED ON I.A NO. VII IN O.S. NO.8381/2023 ON THE FILE OF THE XVI ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-12) (ANNEXURE-Q), ALLOW THE APPLICATION IN I.A NO. VII FILED UNDER SECTION 114 OF THE CODE OF CIVIL PROCEDURE IN II IN O.S NO.838/2023 ON THE FILE OF THE XVI ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-12) (ANNEXURE-M) AND TO MODIFY THE ORDER DATED 09.04.2025 AND REFER THE UNREGISTERED GPA DATED 14.12.2023 (ANNEXURE-E) TO THE CONCERNED AUTHORITY FOR CALCULATION/ DETERMINATION OF DUTY AND PENALTY AS PER THE PROVISIONS OF THE KARNATAKA STAMP ACT.

THIS PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

**ORAL ORDER**

This writ petition is filed by the plaintiff under Article 227 of the Constitution of India, challenging the order dated 09.04.2025 passed by the XVI Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as "the trial Court") on I.A. No.4 in O.S. No.8381/2023.



2. For the sake of convenience, the parties are referred to in accordance with their ranking before the trial court.

3. The plaintiff instituted a suit in O.S. No.8381/2023 seeking an order of injunction. The plaintiff, who is represented by a GPA holder, has produced the General Power of Attorney along with the plaint. The trial court impounded the said document under Sections 33 and 35 of the Karnataka Stamp Act, 1957, and proceeded to determine and impose stamp duty along with penalty.

4. Aggrieved by the said order, the plaintiff filed an application in I.A. No.VII under Section 114 read with Section 151 of the Code of Civil Procedure (for short, "CPC"), seeking review of the order dated 09.04.2025 passed on I.A. No.4. The said application also came to be rejected on 13.02.2026.

5. The Apex Court, in **SEETHARAMA SHETTY VS. MONAPPA SHETTY**, reported in **AIR 2024 SC 5327**, has



held that the trial court has no authority to determine the stamp duty and penalty. It is observed that, under the provisions of the Karnataka Stamp Act, 1957, such documents are required to be referred to the competent authority, namely, the District Registrar. The relevant portion of the judgment is extracted below:

*" 21.8. The scheme does not prohibit a party to a document to first invoke directly the jurisdiction of the District Registrar and present the instrument before Court/Every Person after complying with the requirement of duty and penalty. In such an event, the available objection under Sections 33 or 34 of the Act is erased beforehand. The quantum of penalty is primarily between the authority/court and the opposing party has little role to discharge.*

*22. Reverting to the circumstances of the case by keeping in perspective the steps summarised in the preceding paragraph, we notice that, before the stage of admission of the instrument in evidence, the respondent raised an objection on the deficit stamp duty. Therefore, it was the respondent who required the suit agreement to be impounded and then sent to the District Registrar to be dealt with*



*under Section 39 of the Act. In this case, the respondent desired the impounding of the suit agreement and collect the deficit stamp duty and penalty. The trial court is yet to exercise its jurisdiction under Section 34 of the Act. On the contrary, the trial court has called for a report from the District Registrar, so for all purposes, the suit instrument is still at one or the other steps summed up in paragraph 21. Therefore, going by the request of the respondent, the option is left for the decision of the District Registrar. Contrary to these admitted circumstances, though the suit instrument is insufficiently stamped, still the penalty of ten times under Section 34 of the Act is imposed through the impugned orders. The imposition of penalty of ten times at this juncture in the facts and circumstances of this case is illegal and contrary to the steps summed up in paragraph 21. The instrument is sent to the District Registrar, thereafter the District Registrar in exercise of his jurisdiction under Section 39 of the Act, decides the quantum of stamp duty and penalty payable on the instrument. The appellant is denied this option by the impugned orders. It is trite law that the appellant must pay what is due, but as is decided by the District Registrar and not the Court under Section 34 of the Act.*



*23. Hence, for the above reasons, the direction to pay ten times the penalty of the deficit stamp duty merits interference and accordingly is set aside. The trial court is directed to send the agreement of sale dated 29.06.1999 to the District Registrar to determine the deficit stamp duty and penalty payable. Upon receipt of the compliance certificate from the District Registrar, without reference to an objection under the Act, the suit document be received in evidence. All objections available to the respondents except the above are left open for consideration.”*

6. In view of the above, the impugned order passed by the trial court is liable to be quashed.

7. Accordingly, the following order is passed:

(i) The writ petition is allowed.

(ii) The impugned order dated 09.04.2025 passed by the XVI Additional City Civil and Sessions Judge, Bengaluru, on I.A. No.4 in O.S. No.8381/2023 is hereby set aside.



(iii) The trial court is directed to refer the document(s) to the District Registrar for determination of the proper stamp duty and penalty payable. Upon receipt of the report from the District Registrar, the trial court shall proceed further in accordance with law.

**Sd/-**  
**(H.T. NARENDRA PRASAD)**  
**JUDGE**

CM  
List No.: 1 Sl No.: 40