



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 15798 OF 2026 (GM-CPC)

BETWEEN:

1. SHRI ALAGARRAJA RAMASWAMY
AGED ABOUT 41 YEARS,
SON OF RAMASWAMY,
2. SMT. KALAIVANI ALAGARRAJA
AGED ABOUT 31 YEARS,
WIFE OF ALAGARRAJA RAMASAMY.

BOTH ARE RESIDING AT NO.21,
GROUND FLOOR, 7TH 'A' CROSS,
CIL LAYOUT, CHOLONAYAKANAHALLI
VILLAGE, KASABA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560 032.

...PETITIONERS

(BY SRI. KIRAN. B.,ADVOCATE)

AND:

1. SHRI SYED SHAHID NASEER
AGED ABOUT 36 YEARS,
SON OF LATE SYED AMEER JAN NO.21,
1ST FLOOR, 7TH 'A' CROSS, CIL LAYOUT,
CHOLONAYAKANAHALLI VILLAGE,
KASABA HOBLI, BENGALURU NORTH TALUK,
BENGALURU 560 032.



2. SMT SHREEDEVI. H. PATIL
AGED ABOUT 49 YEARS,
WIFE OF HANAMANT RAYAGOU DA PATIL,
3. SHRI HANAMANT RAYAGOU DA PATIL,
AGED ABOUT 51 YEARS,
SON OF LATE RAYAGOU DA HANAMANT PATIL,

RESPONDENT NO. 2 AND 3 ARE RESIDING AT
NO. G3, MANIFEST SILVER ARK APARTMENT,
CHOLONAGAR, 9TH CROSS, CIL LAYOUT, R.
T.NAGAR, BANGALORE- 560 032.

...RESPONDENTS

(SERVICE AND NOTICE TO R1 TO R3 IS HELD SUFFICIENT V/O
DATED 19/06/2026)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER DATED 18-03-2026 AT ANNEXURE-A PASSED BY THE
LEARNED XVIII ADDL. JUDGE, COURT OF SMALL CAUSES AND
ACJM, BENGALURU IN I.A. NO.7 IN S.C. NO.431/2024., AND
ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND
RESERVED ON 19.06.2026, COMING ON FOR
PRONOUNCEMENT OF ORDER THIS DAY, THE COURT
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



CAV ORDER

Aggrieved by the order dated 18.03.2026 passed in I.A.No.7 in SC.No.431/2024 by the XVIII Additional Judge, Court of Small Causes, and ACJM, Bengaluru, the petitioners/plaintiffs are before this Court.

2. The petitioners herein had filed SC.No.431/2024 before the Court of Small Causes, Bengaluru, against respondent No.1, seeking decree for possession of the suit schedule property, directing the defendants to quit, vacate, and deliver the vacant possession of the suit schedule property to the plaintiffs; a decree for payment of mesne profits by way of damages or compensation for the defendants' unlawful possession and unauthorized occupation of the suit schedule property from the date of filing of the suit until the date of delivery of the vacant possession; and a decree directing the defendants to pay a sum of Rs.64,000/- towards arrears of rent and Rs.5,000/- towards notice charges, along with interest @ 18% per annum from the date of termination till the date of actual realization.



3. In the said suit, the plaintiffs had filed I.A.No.7 under Sections 33, 34 and 58 of the Karnataka Stamp Act, 1957, read with Section 151 of the CPC, seeking the impounding of the documents marked as Ex.D5, Ex.D12, Ex.D13 and Ex.D14, to determine the deficit stamp duty and penalty, and a direction to respondent No.1 to pay the same. By the impugned order, the trial Court had rejected the application, holding that certified copies are not instruments as defined under Section 2(1)(J) of the Karnataka Stamp Act, 1957. Sections 33 to 35 apply only to original documents, and certified copies, being secondary evidence, cannot be impounded or subjected to duty and penalty.

4. Learned counsel appearing for the petitioners submit that the impugned order is contrary to the Explanation to Section 3 of the Karnataka Stamp Act, 1957, as inserted by Amendment Act No. 24 of 1999, and would cause substantial loss of revenue to the State. It is submitted that the Court's interpretation would create an unwarranted loophole in the statute, enabling litigants to evade payment of lawful stamp duty by producing only certified copies or other secondary evidence of insufficiently stamped instruments, which would be



contrary to the legislative mandate and the public policy underlying the Karnataka Stamp Act, 1957. It is submitted that the impugned order is contrary to the judgment of the Karnataka High Court in ***B.V. Ramachandre Gowda Vs. Smt. Kempamma and Another***¹, wherein the Court held that even a copy of the original document, whether certified or not and whether a facsimile image or otherwise, is chargeable with proper duty for the original instrument, and that the provisions of Chapters IV, VI, VII and VIII of the Act apply mutatis mutandis to such copies. Learned counsel also relied on the judgment in ***Kallappa Appa Shandage Vs. Sanjay Shankar Shandage***, arising out of ***WP.No. 109547/2015, dated 08.06.2021***. Relying on this judgment, it is submitted that a Xerox copy of an insufficiently stamped agreement was directed to be impounded by the Court. Learned counsel submits that the trial court had placed reliance on the judgment in *State of Bihar Vs. Karam Chand Thapar & Brothers Ltd.*, and this is misplaced, as in this case the Court was dealing with the Indian Stamp Act, whereas the present case falls under the Karnataka Stamp Act and the amendment to Section 3. It is submitted

¹ 2015 (4) Kar LJ 282



that the documents can be impounded, and in the light of the settled law, the writ petition is liable to be allowed.

5. By order dated 19.06.2026, the notice to the respondents is held sufficient. No vakalath is filed on behalf of the respondents.

6. Having heard the learned counsel for the petitioners and perused the entire material on record, I.A.No.7 is filed under Sections 33, 34 and 58 of the Karnataka Stamp Act, 1957, read with Section 151 of the CPC, seeking to impound the documents marked as Ex.D5, Ex.D12, Ex.D13 and Ex.D14. The **defendant No.1** has produced the lease agreement and other documents, which are insufficiently stamped, and the documents need to be impounded. The defendants have objected that Xerox copies cannot be impounded and have relied on the judgment in the case of **Hariom Agrawal Vs. Prakash Chand Malviya dated 08.10.2007**. Relying on the same, the trial Court held that the documents cannot be impounded.

7. In Prakash Chand Malviya case, the apex court was dealing with the Indian Stamp Act. The explanation to Section 3



of the Karnataka Stamp Act inserted by Act 24 of 1999 is that a copy of an insufficiently stamped instrument, whether certified or otherwise, becomes independently chargeable with duty and attracts the provisions of Chapter IV. In the light of the amendment to the Karnataka Stamp Act. The IA filed by the petitioner has to be allowed.

8. In the light of the law laid down in B.V.Ramachandre Gowda referred supra, even a copy of the original document, whether certified or not and whether a facsimile image or otherwise, is chargeable with proper duty for the original instrument, and that the provisions of Chapters IV, VI, VII, and VIII of the Act apply mutatis mutandis to such copies. In that view of the matter, the order impugned is liable to be set aside. Hence, this Court is passing the following order:

ORDER

- i. The order passed in I.A.No.7 in SC.No.431/2024 dated 18.03.2026 by the XVIII Additional Judge, Court of Small Causes and ACJM, Bengaluru, is **set aside**. Consequently, I.A.No.7 is **allowed**.



- ii. The learned judge is directed to impound the documents and determine the deficit stamp duty, if any, and the penalty in accordance with law.
- iii. Accordingly, the writ petition is ***disposed of***.
- iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 SI No.: 5