

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5707 of 2009

ORDER :

This Revision is filed questioning the order dt.12.11.2009 in E.A.No.329 of 2009 in E.P.No.160 of 2008 in O.S.No.1118 of 2006 on the file of Principal Senior Civil Judge, Tenali.

2. The petitioner herein is the decree-holder and he had obtained a decree for recovery of money against respondent. The property belonging to respondent was brought to sale on 30.07.2009 and petitioner became the auction-purchaser in the auction conducted on that day. However, he did not deposit non-judicial stamps for issuance of sale certificate within a period of (15) days as prescribed under Order 21 Rule 85 C.P.C.
3. Thereafter, the petitioner filed E.A.No.329 of 2009 to condone the delay of (55) days in not filing the non-judicial stamps for issuance of sale certificate.
4. By order dt.12.11.2009, the Court below dismissed it on the ground that provisions of Order 21 Rule 85 C.P.C., with regard to time for payment in full of purchase money, are mandatory and that the stamp duty was also liable to be deposited along with the purchase money within the time prescribed by Order 21 Rule 85 C.P.C. It relied upon the judgment in **Manilal Mohanlal Shah v. Sardar Sayed Ahmed**, **Subbamal v. P.G. Thewar**, and **Satish Chopra v. Suraj Prakash**.
5. I see no error in the order passed by the Court below and

following the above decisions, I hold that the time for deposit of non-judicial stamps for issuance of sale certificate by an auction-purchaser cannot be extended, and he is bound to deposit the same within the period of (15) days from the date of auction.

6. Therefore, I do not find any merit in the Revision and it is accordingly dismissed. No order as to costs.
7. Miscellaneous applications, pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-06-2015

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