

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.828 of 2011

ORDER:

This Civil Revision Petition is filed challenging the order dt.07-02-2011 in I.A.No.420 of 2010 in A.T.C.No.3 of 2005 of the Junior Civil Judge, Pithapuram dismissing the application filed by petitioner under Order XIII Rule 8 C.P.C. and Section 36 of the Stamp Act, 1899 requesting the Court to send the document dt.01-06-1999 to the Revenue Division Officer for impounding.

2. According to the petitioner, the document in question is not adequately stamped and therefore it required to be impounded and stamp duty and penalty payable thereon may be collected.

3. The respondent raised a contention that it is inadmissible in evidence.

4. The Court below dismissed the said I.A. stating that the document is an invalid document in the eye of law. It also stated that the Advocates and parties did not cooperate in disposal of the A.T.C. and only to drag on the matter, the present application is filed.

5. I am of the opinion that the order passed by the Court below cannot be sustained. When a document is sought to

be marked on the side of petitioner and respondent raised an objection that it is insufficiently stamped, the petitioner was within his rights in seeking to send the document to the Revenue Divisional Officer, Kakinada for impounding so that adequate stamp duty and penalty may be collected there from. At the stage of considering an application of this nature, admissibility of a document cannot be gone into. It can only be considered at a later stage, if adequate stamp duty and penalty as determined by the competent authority are paid on the said document.

6. Therefore, the order dt.07-02-2011 in I.A.No.420 of 2010 in A.T.C.No.3 of 2005 is set aside and the said I.A. is allowed.

7. Accordingly the Civil Revision Petition is allowed. No costs.

8. As a sequel, miscellaneous petitions pending if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 18-09-2015

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