

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

C.R.P.No.4746 OF 2014

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.07.07.2014 in O.S.No.654 of 2009 of the Additional Senior Civil Judge, Tirupati.

2. Petitioners herein are defendants 3 and 4 in the suit. During the course of evidence, PW1 sought to mark Ex.A11, an agreement. The petitioners/defendants 3 and 4 objected to the marking of the same on the ground that it is insufficiently stamped. By Docket order dt.07.07.2014, the Court below marked the said document as Ex.A11 stating that the objections regarding stamp duty would be heard at the time of main hearing and thus, posted the matter for cross-examination to 21.07.2014.

3. Challenging the same, this Revision is filed by the petitioners.

4. Counsel for the petitioners, Sri K.Jagadishwar Reddy, contends that when an objection as to deficiency of stamp duty is raised at the time of marking of the document, the Court has to decide the said objection before marking of the said document and then only proceed further. In support of his contention, he relied upon a judgment of the Supreme Court in **Bipin Shantilal Panchal v. State of Gujarat and another**^[1] and also judgment of this Court in **Pola Satish Kumar v. M/s. Kapil Chit Funds Pvt. Ltd., Warangal, rep. by its Foreman and others**^[2].

5. Counsel for the 1st respondent, Sri P.Jagadish Chandra Prasad, does not dispute this proposition.

6. Therefore, this Civil Revision Petition is allowed setting aside the order dt.07.07.2014 in O.S.No.654 of 2009 to the extent the Court

below allowed marking of Ex.A11 and the Court below is directed to consider the objection of the petitioners to the marking of the said document on the ground that it is insufficiently stamped, decide the said issue and then only proceed further in the matter. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

01st July, 2015.

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[\[1\]](#) 2001(3) SCC 5

[\[2\]](#) 2007(6) ALT 421