

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO. 3646 OF 2014

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dated 2.7.2014 in I.A.No. 430 of 2014 in O.S.No. 519 of 2011 of the III Additional Junior Civil Judge, Nellore, SPSR Nellore District.

2. Petitioners herein are defendants in the suit. They filed the said I.A to permit them to mark certain unregistered possession sale agreements on their behalf.

3. By cryptic order dated 2.7.2014, the Court below permitted marking of the said documents subject to payment of deficit stamp duty and penalty.

4. Counsel for petitioners/defendants contends that the documents sought to be filed by the petitioners bear the correct stamp duty as per the provisions of Indian Stamp Act, 1899, and no deficit stamp duty or the penalty need be paid thereon; and that without deciding in what manner the said documents are insufficiently stamped, the Court below has passed this order.

5. None appears for the respondent even though the respondent has been served.

6. I find force in the contention of the counsel for the petitioners. The order passed by the Court below does not give any reasons which made the said court to come to a conclusion that the documents sought to be marked by the petitioners are insufficiently stamped and what deficit stamp duty and penalty is payable thereon. Since the order is bereft of reasons, it cannot be sustained. It is accordingly set aside and the Civil Revision Petition is allowed.

7. I.A.No. 430 of 2014 is remanded to the Court below to pass a fresh order after application of mind to the various documents sought to be marked by the petitioners by determining by giving reasons for each of them whether it is insufficiently stamped or not and also determining the correct stamp duty/deficit stamp duty/penalty paid by the petitioners. This exercise shall be completed within six weeks from the date of receipt of a copy of this order.

8. Accordingly, the Civil Revision Petition is allowed. There shall be no order as to costs.

9. As a sequel thereto, miscellaneous petitions, pending if any, shall stand dismissed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 15.06.2015
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