

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.3881 of 2014

ORDER :

Heard Sri K. Sarvabhouma Rao, counsel for petitioner; and Sri R. Mahender Reddy, counsel for respondents.

2. This Revision is filed under Article 227 of the Constitution of India challenging the order dt.15.09.2014 in O.S.No.30 of 1998 on the file of Principal Senior Civil Judge, Ranga Reddy District refusing to mark a document dt.12.02.1992 said to be an agreement of sale at the instance of petitioner and other plaintiffs in the said suit.
3. The counsel for petitioner states that his client is ready and willing to pay stamp duty and penalty on the said agreement of sale, and complains that the Court below has refused to permit petitioner to pay stamp duty and penalty merely on the ground that the agreement of sale dt.12.02.1992 was typed on a white paper and not on stamp paper.
4. Once the document is insufficiently stamped, whether it is on white paper or on stamp paper, if the party seeking to mark it is willing to pay stamp duty and penalty, the Court cannot deprive him of the opportunity to do so. This legal decision is not disputed by the counsel for respondent nos.1 to 4.
5. In this view of the matter, the order dt.15.09.2014 in O.S.No.30 of 1998 on the file of the Principal Senior Civil Judge, Ranga Reddy

District is set aside; and the Court below is directed to permit the petitioner to mark the agreement of sale dt.12.02.1992 subject to petitioner paying stamp duty and penalty thereon as per the provisions of the Indian Stamp Act, 1899 within a period of four (04) weeks from the date of receipt of a copy of this order.

6. On condition of petitioner complying with the above direction within the stipulated period, the evidence of the parties be re-opened, and petitioner be permitted to mark the said document in his evidence, and respondent nos.1 to 4 be also permitted to adduce evidence thereon.
7. Since the suit is of the year 1998, the Court below is directed to expeditiously dispose of the suit, preferably within a period of six (06) months from the date of receipt of a copy of this order.
8. Accordingly, the Civil Revision Petition is allowed. No order as to costs.
9. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22.09.2015

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