

**224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.2786 of 2013 (O&M)
Date of Decision: September 04, 2015**

Kundan Lal and others

.... Petitioners

vs.

Arvind Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Satbir Rathore, Advocate for the petitioner.

None for respondent Nos.2 and 3.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 12.02.2013 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Mukerian, vide which order on the application filed by the defedant for impounding insufficiently stamped document i.e. agreement to sell dated 15.02.2008 was not passed.

The lower court observed that the agreement was written on the stamp paper of of ₹25/- whereas it should be written on the stamp paper of ₹300/-. In this way, the agreement to sell was not sufficiently stamped. Therefore, the plaintiff was directed to make good the deficient stamp duty as applicable to the agreement to sell on the next date of hearing without passing a formal order of impounding the document.

After hearing learned counsel for the petitioner and considering the case of the respondents, I am of the view that the lower court did not formally pass the order of impounding the document in question but the plaintiff was directed to make good the deficiency of court fee. Such defect can be cured by this Court. Therefore, it is ordered that the insufficiently stamped agreement first shall be impounded and the plaintiff shall be required to pay the deficiency of stamp duty along with the penalty.

Accordingly, the impugned order is modified to the aforesaid extent.

As such, the present revision petition is partly allowed.

September 04, 2015
sarita

(KULDIP SINGH)
JUDGE