

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4842 of 2011

ORDER :

The learned counsel for the revision petitioners/plaintiffs Sri Lokesh Reddy is represented by somebody of no more and pursuant to the said representation at the bar, by docket order dated 01.02.2016 it was ordered to serve notice to the advocate on record of the plaintiff in the lower Court and Registry sent the notice and acknowledgement received and there is no representation for the revision petitioners/plaintiffs. Though on that ground it can be dismissed for default or for non-prosecution of the revision, a perusal of the impugned order of the lower Court shows it proceeded on the erroneous assumption that a supporting document need not be considered of any requirement of stamp duty and registration. Thereby, this Court to decide on merits by taken as heard from the grounds raised in the revision.

2) Heard the learned counsel for the respondents-defendants.

3) A perusal of the order shows, the un-registered Khararnama of the division shows, the vendor of the defendant No.2 did not cause it register while executing the sale deed in favour of 2nd defendant which placed

on reliance by the 2nd defendant. In fact, Section 2(15) of the Indian Stamp Act with Andhra Pradesh amendment is clear of what is meant by instrument of partition which is different to any other instrument generally under Section 2(14) of the Stamp Act. Once such is the case and any document is proposed to be relied and there is any requirement of stamp duty and registration for consideration, while tendering for evidence in any manner, it is the duty of the Court to decide as held in ***Bipin Shanthilal Panchal V. State of Gujarat***^[1] on the requirement of any stamp duty if at all to impound if not from any request made to refer to the District Registrar with the original document for duly impounding and endorsement as impounded to exhibit on duly as collateral purpose is unknown to the Stamp Act which is a fiscal legislation. It is then in case of an un-registered document, compulsory to register, no doubt it can be exhibited for any collateral purposes as envisaged by one of the provisos of Section 49 read with Section 17 of the Registration Act.

4) With the above observations, the Civil Revision Petition is allowed by setting aside the order dated 14.10.2011 in O.S. No.31 of 2007 on the file of Senior Civil Judge, Puttur with a direction to decide afresh the issue as indicated above. There shall be no order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

DR.JUSTICE B.SIVA SANKARA RAO

Dt.22.04.2016

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[\[1\]](#) AIR 2001 SC 1158