

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.2471 of 2011

ORDER:

This Civil Revision Petition is filed against the order dated 18.04.2011 in I.A.No.317 of 2011 in O.S.No.327 of 2008 on the file of I Additional Junior Civil Judge, Eluru, West Godavari District.

2. Heard and perused the material on record.

3. A perusal of the impugned order of the lower Court no way requires interference, for this Court while sitting in revision in not admitting the copy of the so called document as secondary evidence, though otherwise a document can be marked subject to objection to decide later for what is laid down by the Apex Court in Bipin Shantilal Panchal vs State of Gujarat¹ at para-12 is very clear that once it requires to be impounded with stamp duty as instrument within the meaning of Section 2(14) of the Indian Stamp Act, for any deficit stamp duty if at all it is a settlement like a gift, the question of impounding arises only if the original is produced. When original document is not produced, it cannot be looked into even to decide on stamp duty and registration for nothing shown of the contents come within the purview of only a bequeath by a will to say for which registration is optional and stamp duty is not required.

¹ 2002(10) SCC 529

4. Having regard to the above, without any prejudice to the right of such showing by production of original by filing petition afresh if at all from the contents shown coming as bequeaths in a will, the Civil Revision Petition is disposed of. No order as to costs.

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

Dr. B.SIVA SANKARA RAO, J

Date:07-09-2016
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