

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

CIVIL REVISION PETITION NO.2633 of 2016

ORDER:

The present revision petition is filed against the dismissal of an application taken out by the petitioner/plaintiff seeking to impound a document sought to be filed by the respondents/defendants in an enquiry on an application filed for grant of interim injunction pending the suit.

Heard Mr. Penumaka Venkata Rao, learned counsel for the petitioner.

The petitioner herein filed a suit in O.S.No.62 of 2015 seeking a decree of permanent injunction. Pending the suit, he sought interim injunction in I.A.No.389 of 2015. At the time of enquiry on the application for injunction, the respondents filed two documents, one purportedly a Contract of Sale dated 31.12.2014 and another a Pacca Sale Deed dated 22.06.2015.

The petitioner immediately took out an application in I.A.No.237 of 2016 for impounding the Contract of Sale dated 31.12.2014 on the ground that the same was not sufficiently stamped, as required by Section 35 of the Indian Stamp Act. The application was dismissed by the trial Court forcing the petitioner/plaintiff to come up with the above revision petition.

The application of the petitioner was rejected by the trial Court on two grounds, which in my opinion are perfectly valid and justified. The first ground is that the agreement of sale dated 31.12.2014 was followed by a regular sale deed dated 22.06.2015, which was duly stamped and registered. Therefore, the question of directing payment of one more stamp duty does not arise.

The second reason stated by the trial Court is that merely because a document is looked into at the stage of enquiry on an interlocutory application, it is not necessary that the document is taken

to be admissible in evidence even at the time of final hearing of the suit.

Both the grounds are valid legally and justified factually. Therefore, I see no reason to interfere with the order of the trial Court. Hence the Civil Revision Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

17th June, 2016
Js.