

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.1502 OF 2016

ORDER:

This revision is filed under Article 227 of Constitution of India by the petitioner/ defendant, impugning the order passed on 29.01.2016 in S.R. No.1846 of 2015 in O.S. No.13 of 2009 by the II Additional District Judge, Kadapa at Proddatur.

2) Heard learned counsel for petitioner.

3) The revision is disposed of before admission with the following observations that objection relating to stamp duty is different from objection relating to registration and so far as fiscal legislations in particular stamp Act concerned, there is no collateral purpose that is known to law, but for to an unregistered document as provided under Section 49 read with Section 17 of the Registration Act.

4) A perusal of the order of the trial Court impugned in the revision passed on the memo of the petitioner/ 1st defendant is on the assumption as if it is an objection only regarding registration and thereby the document can be marked for collateral purpose. The lower Court missed its attention to the requirement of sufficient stamp duty even under the Stamp Act, if any and once such is the case, the trial Court cannot allow to exhibit and to mark if the document is insufficiently stamped, without impounding to pay the deficit stamp with ten times penalty and to certify on its collection and remit the amount to the relevant head of account with copy of document containing endorsement of collection to the District Registrar. Needless to say other remedy left open to refer the document to District Registrar for duly impounding and to

certify and return back the original.

5) Having regard to the above, by virtue of this order apart from any objection that is left open to be raised while marking and the stage not so far arisen in the case on hand; uninfluenced by the order impugned in the revision, the trial Court shall consider any objection regarding stamp duty while marking and if it is required to comply the same as stated above either by impounding with ten times penalty or by sending the document for impounding by the District Registrar as laid down by the Apex Courts expression in ***Chilakuri Gangulappa vs Revenue Divisional Officer, Madanapalle***^[1]. There is no order as to costs.

6) As a sequel, miscellaneous petitions if any pending in this Civil Revision Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.01.04.2016

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[\[1\]](#) AIR 2001 SC 1321