THE HON'BLE SRI JUSTICE S.V.BHATT

CIVIL REVISION PETITION No.3362 of 2016

ORDER:

Heard Mr. J. Janaki Rami Reddy for revision petitioners.

2. The defendants in O.S.No.18 of 2014 in the Court of Junior Civil Judge, Pattikonda are the revision petitioners. The respondents filed I.A.No.180 of 2015 under Section 40 of the Indian Stamp Act to get the unregistered family settlement deed dated 01.05.1972 impounded under the Stamp Act. The revision petitioners opposed the prayer. However, the trial Court allowed I.A.No.180 of 2015 through the order impugned dated 09.06.2016. Hence, the instant CRP.

3. Mr. J. Janaki Rami Reddy submits that the prayer is to refer the document dated 01.05.1972 for payment of duty under the Stamp Act and the trial Court ought to have confined the discussion whether to allow the application or not but ought not to have encroached upon the authority of the Collector under Section 31 of the Stamp Act.

To bring home his submission, he relies upon the observations of the trial Court in para 9 of the order under revision, which read as follows:

> "**9 .** The disputed document is material to the case of the petitioners/plaintiffs. The Stamp Act is beneficiary legislature. The Court could not reduce the stamp duty and penalty over the document but the District Collector is empowered to reduce the penalty. Therefore, the petitioners/plaintiffs are entitled to get the said benefit."

4. With the assistance of the counsel appearing for revision petitioners, I have gone through the material available on record.

The respondents on their own to cure the defect, if any, in the deed dated 01.05.1972 requested the Court to send the document for impounding under the Stamp Act. It cannot, hence, be said that there is any fundamental mistake in the approach of the trial Court in sending the document to

Collector, before hand, for determination of stamp duty. The objection of counsel for petitioners that the trial Court while passing the order impugned in the revision has conditioned the discretion to be exercised by the Collector is noted only to be clarified but not to interfere with the order under revision. Hence, the civil revision petition is disposed of by this order

The prayer of respondents for sending the document dated 01.05.1972 for impounding by the Collector is sustained and it is clarified that after the document is presented for impounding it is for the Collector to exercise his authority and discretion within the confines of Stamp Act and the Rules made thereunder. As a sequel,

the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

August 3, 2016
DSK