

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.4427 of 2014 (O&M)

Date of decision: 11.01.2016

Kishor Kumar

... Petitioner

versus

Jeet Kumari and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ajay Kumar Ghanghas, Advocate for the petitioner.

Mr. Arun Singal, Advocate for the respondents.

K.Kannan, J. (ORAL)

The defendant's prayer to produce the original compromise had been declined by the Court below and hence the defendant is aggrieved. According to him, the plaintiff had admitted the family settlement and at that time only a copy had been filed and now the original is sought to be produced.

The document is in vernacular and it is essential for the Court below to examine whether the document is a bargain between the parties bringing about the partition of immovable properties or a record of *fait accompli* of a partition that had already taken place. Depending on the construction that the Court makes, it shall be impounded for collection of stamp duty penalty in the manner required under Stamp Act. The document will not be assigned any exhibit number unless the assessment is made of whether stamp duty is properly affixed or not. If the document does not require any further stamp duty to be paid it could be received subject to extent of admissibility in the light of Section 17 and 49 of the Registration Act. On the other hand if the document is not sufficiently stamped, the document will be assigned exhibit number only if the stamp duty is paid.

For the purpose of consideration in evidence, the issue of admissibility regarding the extent of reliance that could be placed on the recitals will still be governed under the provisions of Section 17 and 49 of the Registration Act as mentioned above.

The order passed already is set aside and the revision petition is ordered on the above terms.

(K.KANNAN)
JUDGE

11.01.2016
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