

CR No.8239 of 2016

Date of Decision: December 06, 2016

Vishal Kumar Aggarwal and another

....Petitioners

Versus

Smt. Harbhajan Kaur and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Prashant Bansal, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this revision petition is to the order dated 18.10.2016 (Annexure P-4), passed by the Rent Controller, U.T. Chandigarh, whereby an application preferred by the petitioners under Sections 33 and 38 of the Indian Stamp Act, 1899 for impounding the Rent Deed/agreement dated 03.01.2011 (Annexure P-1) being insufficiently stamped instrument and for recovery of stamp duty and penalty, stands rejected.

It is the contention of learned counsel for the petitioners that as per the provisions of the Stamp Act, the documents which is undervalued can be impounded and the recovery of undervalued stamp duty can be made. He, thus, contends that the said application should have been allowed. This contention of learned counsel for the petitioner cannot be accepted as the Rent Court did not have the jurisdiction to impound the said document and in any case, there is no finding returned by the Court with regard to it, being

an insufficiently stamped instrument.

That apart, the Court is not the competent authority under the Stamp Act, to take recourse as has been sought to be asserted by the petitioner in his application which has been dismissed by the Rent Controller, U.T. Chandigarh. The order as passed by the Rent Controller, Chandigarh, thus, does not call for any interference.

In view of the above, the present revision petition stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 06, 2016

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No