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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1057/2016 & CM No.38799/2016

ANOOP DAWAR & ANR ..... Petitioners  
Through Mr. Attin Shankar Rastogi, Advocate.  
versus  
SUBHASH CHAND AMAR ..... Respondent  
Through

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

% **21.10.2016**

1. Advance notice of the petition has been served by Speed Post on respondent. None is present for the respondent.
2. By the present petition the petitioner seeks to impugn the order dated 1.2.2016 by which an application under section 33 of the Indian Stamp Act, 1899 for impounding of lease agreement dated 10.7.2010 was dismissed and order dated 16.8.2016 by which an application filed for review was also dismissed. The petitioner was the tenant of the landlord having entered into a Lease Deed dated 10.7.2010 on a monthly rent of Rs.14,500/-. The lease was for eleven months.
3. The trial court by the impugned order dated 1.2.2016 dismissed the application relying upon Article 35 of Schedule I of the Indian Stamp Act.
4. The review petition was filed pointing out that the wrong provisions of Schedule I of the Indian Stamp Act have been relied upon and that the Schedule as applicable to Delhi has not been taken into account. The review has been dismissed on the ground that the latest stamp duty rate was not

filed in the court record nor relied upon in the document, therefore, there is no error apparent on the face of the record.

5. Learned counsel for the petitioner points out that there is no dispute pending regarding unpaid rents and the dispute pertains to an allegation of the respondent about alleged damage to the rented property.

6. The Schedule to the Stamp Act being Schedule IA is a statutory document. Merely because it was not filed cannot be a ground not to look into the review. The order dated 16.8.2016 dismissing the review suffers from a manifest error on the face of the record. The said order dated 16.8.2016 is accordingly quashed. The trial court is requested to hear the review petition afresh and deal with the same in accordance with law.

7. Petition stands disposed of. All pending applications, if any, also stand disposed of.

**JAYANT NATH, J**

**OCTOBER 21, 2016**

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