

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.4651 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned counsel for respondents.

2. This Revision Petition arises out of order dt.21-06-2017 in I.A.No.352 of 2016 in O.S.No.53 of 2003 of the Junior Civil Judge, Chintalapudi, West Godavari District.

3. Petitioner who is the plaintiff in the suit filed the said I.A. seeking to send a partition list dt.01-01-1981 to the District Registrar for collecting stamp duty and penalty on the valuation of the B schedule property mentioned therein.

4. This application was opposed by the respondents who contended that original of the document is not forwarded to the District Registrar and the petitioner cannot insist on paying stamp duty only on the valuation of the B schedule property since the A schedule property is larger in value and as per law, stamp duty and penalty is payable on the value of the largest share.

5. The Court below upheld both the objections of the respondents.

6. Learned counsel for the petitioner contends that the original of the partition list was earlier sent to the District Registrar by the Junior Civil Judge, Chintalapudi in the same suit on 28-07-2011

and it continues to be with the District Registrar only and as can be seen from the proceedings of the District Registrar dt.23-01-2012, the original was not returned and only Xerox copy of the document was returned to the Court.

7. This is not disputed by learned counsel for the respondents.

8. It appears that the Court below without noticing this fact that original was still with the District Registrar, held that photo copy of the partition list cannot be sent for impounding purpose.

9. As regards the valuation about payment of stamp duty on B schedule property, learned counsel for the petitioner fairly stated that his client would be willing to pay stamp duty on the largest share of properties as mentioned in the partition list and would not insist on paying stamp duty only on B schedule property. Therefore, there cannot be any objection for directing the District Registrar to impound there original which is already in his custody and permit the petitioner to pay stamp duty as per law thereon.

10. Therefore the Civil Revision Petition is allowed; the order dt.21-06-2017 in I.A.No.352 of 2016 in O.S.No.53 of 2003 of the Junior Civil Judge, Chintalapudi, is set aside; and the said Court is directed to instruct the District Registrar, Eluru, West Godvari District to impound the original of the partition list which is in his custody,

and collect stamp duty and penalty thereon as per law from the petitioner, and then send it back to the said Court. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-11-2017

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