

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT. JUSTICE T. RAJANI

CIVIL REVISION PETITION No. 3370 of 2003

ORDER: (*Per VRS,J*)

Aggrieved by an order passed by the trial Court in a suit for specific performance, directing the petitioner/plaintiff to pay stamp duty on the suit agreement of sale, the plaintiff has come up with the above revision.

2. Heard the learned counsel for the petitioner.
3. Service of notice had been completed way back in the year 2003. So far, no one has entered appearance for the respondents.
4. The suit was for specific performance of an agreement of sale. The suit agreement recognized two facts, namely, (a) that the petitioner/plaintiff had already purchased 1/3rd undivided share in the property, and (2) that he was already in possession, not merely as a purchaser of 1/3rd undivided share but also as a tenant.
5. Both the above circumstances are enough to show that the recital contained in the suit agreement was only a statement of fact and not a statement to the effect that possession was handed over under the agreement of sale. Therefore, the suit agreement did not warrant the payment of stamp duty, on the basis that possession was handed over.

6. Hence, the Civil Revision Petition is allowed. The document is held to be admissible without payment of stamp duty.

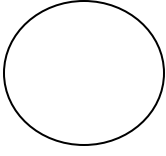
Consequently, miscellaneous petitions if any pending in the revision shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

T. RAJANI, J.

3rd August, 2017
cbs





THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN ✓

AND

THE HON'BLE SMT. JUSTICE T. RAJANI



C.R.P.No.3370 of 2003
(allowed)

3rd August, 2017

cbs