

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

Civil Revision Petition No.2724 of 2016

ORDER

Heard. It is pursuant to the decree in a suit for specific performance O.S.No.24 of 2001 on the file of the learned Senior Civil Judge, Piler, the E.P.No.9 of 2002 was filed seeking to direct the defendant/ J.Dr. to execute sale deed and register the same by filing draft sale deed and the matter was posted to 23.05.2004 to address a letter to the Sub Registrar on the value of non judicial stamps required and the matter was posted to 30.07.2004 and the value received therefrom and the D.Hr. paid as claimed by deposit through challan for Rs.12,100/- i.e. $100 \times 121 = 12100/-$ and the matter was posted for draft sale deed to 06.08.2004 and as on that day the draft sale deed since submitted, the matter was posted to 16.08.2004 to engross it and on 16.08.2004 itself the draft sale deed was prepared and matter was posted to 30.08.2004, meanwhile a office note put up by the Bench Clerk that said Sub Registrar, Piler stating the registration charges of Rs.750/- is insufficient as the total required is Rs.1210/- thereby to pay the deficit fee of Rs.460/- and to order for deposit of the same and called for deposit of the same.

2. It is later claim petition E.A.No.76 of 2004 is filed and an application E.A.No.39 of 2005 is filed by the D.Hr. in the above E.A.No.76 of 2004 to dismiss the claim petition as not maintainable and the same was allowed rejecting the E.A.No.76 of 2004 on 22.07.2005 and the matter was posted to engross the

sale deed on Non Judicial stamp papers to 02.08.2005 again to 05.08.2005, 09.08.2005, 23.8.2005, 02.09.2005 and on that day, an interim stay was granted by the High Court in CRPMP No.4777 of 2005 in C.R.P.No.4227 of 2008 and while so, there was O.S.No.4 of 2002 filed and the matter was posted to call along with, however it was ended in dismissal and the stay before the High Court since stands vacated for deposit of N.J.Stamps, it is posted to 12.08.2014. The docket order dt.18.09.2014 shows, the D.Hr. counsel submitted N.J.stamp paper worth of Rs.12,100/-, already deposited as referred supra, and the Bench Clerk was directed to verify and accordingly he verified and stated about the facts. The Docket order dt.17.10.2014 shows from the record, the N.J.stamps worth Rs.12,100/- deposited by the D.Hr. and the written endorsement issued by the Sub Registrar showing the so called deposit vide Treasury challan No.448,dt.20.05.2004 and the original challan sent to Sub Registrar office for registration was returned to the Court however the docket further showing on verification of entire record, original challan was not available in the record of the Court but only photostat copy. On that the Court directed the office to trace out the original however, addressed a letter, as can be seen from the docket order,dt.13.11.2014 and later the Court asked the Sub Registrar to ascertain the present market value and report received by 07.09.2015 which are the facts of the case.

3. From this, it clearly shows there is no fault of the D.Hr. and whatever the N.J.Stamps to be engrossed of the sale deed

worth Rs.12,100/- as per the value fixed as on that date deposited and it might have misplaced in the court or Sub Registrar office if any. Once such is the case and as the D.Hr. now prepared to deposit that amount again, the trial Court shall consider by virtue of this order and to direct the Sub Registrar to execute the sale deed by engrossing on the N.J.stamps worth Rs.12,100/- subject to the D.Hr. depositing the same within the time to be fixed on hearing both sides including the required registration charges for it.

4. Accordingly and in the result, the revision is disposed of. Consequently, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:28.12.2017
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