

HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

Civil Revision Petition No.407 of 2014

ORDER:

This Civil Revision Petition is filed questioning the order in I.A.No.827 of 2010 in O.S.No.148 of 2007 dated 30.07.2013 passed by the learned II Additional District Judge, Guntur.

2. Despite service the respondents did not appear. Learned counsel for the revision petitioner is present and he argued the matter.

3. The contention of the learned counsel for the petitioner is that the order dated 30.07.2013 is not correct. It is his contention that the imposition of stamp duty is not correct and an onerous condition has been imposed. Therefore, he prays that the revision should be allowed.

4. This Court, on perusal of the order, notices that on 30.07.2013 an order was passed giving an opportunity to the petitioner to pay the stamp duty and penalty on or before 30.09.2013. The order was passed in an application filed by the petitioner, under Order IX Rule 9 CPC, to set aside the dismissal order dated 31.05.2010.

5. The order dated 31.05.2010 was passed as the revision petitioner did not pay the stamp duty and penalty that were payable on Agreement of Sale dated 10.06.1998 which is the suit document. While passing the order on 31.05.2010 the Court below set out all the details with great clarity. The Court below noticed that in March,

2010 the District Registrar, Guntur, sent a letter finalizing the stamp duty and penalty payable on the document. From 19.03.2010 the suit was adjourned to 31.03.2010, 16.04.2010, 26.04.2010 and lastly to 27.04.2010. On those dates the stamp duty and penalty as determined by the District Registrar were not paid. Hence, the suit was dismissed on 31.05.2010. Later, another application appears to have been filed to set aside the order. Again the Court below took a liberal view despite noticing that the petitioner did not make efforts to get the Stamp Act appeal disposed off. The Court below noticed that the suit was filed more than six years prior to the date of the order. On 30.07.2013, the application was allowed on the condition that the petitioner should pay stamp duty on or before 30.09.2013, failing which it was ordered that the petition shall be dismissed. As the petitioner did not pay the stamp duty and penalty within the period of two months also, the order worked out for itself.

6. The present Civil Revision Petition was filed on 31.01.2014. Even when the matter is heard, learned counsel for the petitioner is not in a position to state positively whether the stamp duty and penalty has been paid or not.

7. This Court notices that adequate opportunity was given to the petitioner. The suit of the year 2007 cannot be kept pending indefinitely. Therefore, this Court finds no reason to interfere with the impugned order passed. There are no merits in the revision petition.

Accordingly and in the result, this Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

D.V.S.S.SOMAYAJULU, J

14.12.2018
MVA

