THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.4937 OF 2017

DATED :23.02.2018

Between :

M/s.Dalith Christian Organization and Awareness Society,
Jangaon, rep., by its President, Mr.Bokka Prabhakar,
S/o.Prakasham, Aged about 62 yrs,
Occu : Business, R/o.6-3-40, Suryapet Road,
Jangaon, Warangal District.

.. Petitioner

And

Peedoji Suresh, S/o.Sri Adisubbaiah Chary @ Joseph,
Aged about 35 yrs, Occu : Business,
H.No.4-5-59/25C, Dharmakancha,
Jangaoan, Town and Mandal, Warangal District. & others

.. Respondents

This court made the following :

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ORDER :

Aggrieved by the order passed in O.S.No.9 of 2010 on the file of Additional Junior Civil Judge, Jangaon, Jangaon District, petitioner filed this Civil Revision Petition.

2. When petitioner sought to mark agreement of sale dated 17.05.2001 objection was raised on admissibility of said document contending that it was unstamped and unregistered. It was contended that the agreement of sale was compulsorily registerable document, as per Section 17 of the Indian Registration Act. Per contra, by placing reliance on certificate issued by the Revenue Divisional Officer on collection of deficit stamp duty and penalty under Section 40 (1) (b), Article 47 (A) (C) of Indian Stamp Act (for short 'the Stamp Act'), it was contended that agreement of sale is duly stamped. The Court below declined to accept the plea of plaintiff that it is duly stamped holding that it is not endorsed on the backside of the document, but a separate certificate is issued and said certificate lacks essential details about the document and therefore, does not amount to complying with requirements of the Stamp Act held that the said document is not admissible in evidence.

3. Learned counsel for the petitioner contends that the very same document i.e., agreement of sale dated 17.05.2001 and receipt dated 15.06.2001 were sought to be marked as exhibits in O.S.No.195 of 2003, and there also objection was raised on the admissibility of the said document in evidence. The learned Junior

Civil Judge, Jangaon, taking note that said document was impounded by the Revenue Divisional Officer, Jangaon, collected stamp duty and penalty of Rs.66,975/- and to that extent a certificate of impounding dated 27.09.2007 was also issued and the same was enclosed to the agreement of sale, overruled the objection. Said view was upheld by this Court in C.R.P.No.1290 of 2008. He would therefore submit that such objection is not sustainable.

4. Learned counsel for the respondent Sri Ashok Reddy Kanathala, contends that as pointed out by the court below, certificate issued by the Revenue Divisional Officer, does not contain essential details and as there is doubt whether certificate concerns same property and when it is not conclusively established that proper stamp duty was paid, the same is not admissible in evidence and the view taken by the court below is valid.

5. A bare perusal of the order of the Junior Civil Judge, Jangaon in O.S.No.195 of 2003, it is manifest that certificate issued by Revenue Divisional Officer, dated 27.09.2007 was considered holding that stamp duty is duly paid. It is seen from the document that the RDO, informed the Court that the document received vide letter dated 21.09.2007 was impounded and stamp duty was collected. Thus, it is no more open to raise objection on admissibility of the very same document on the ground of insufficiently stamped. The decision of the court below is not sustainable and the same is liable to be set aside.

6. Accordingly, the Civil Revision Petition is allowed. The court below is directed to mark the agreement of sale dated 17.05.2001. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

P.NAVEEN RAO,J

23rd February, 2018
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