

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.7390 OF 2017

ORDER :

This Civil Revision Petition is filed by the petitioners/defendants against order dated 26.10.2017 in I.A.No.679/2016 in O.S.No.65/2014, wherein and whereby the petitioner's application under Section 35 and 36 of Stamp Act, 1899 read with Order 13 Rule 3, 6 and Section 151 of CPC to set aside the docket order dated 20.04.2016 has been dismissed. The Court below by way of docket order dated 20.04.2016 directed the petitioner to pay stamp duty and penalty by 29.04.2016.

Heard learned counsel for the petitioners.

It is to be seen that the Court below has dismissed the application of the petitioners on the ground that if they are aggrieved by the docket order passed by the Court below, they have to prefer revision petition before the High Court but not by way of application before the same Court, which passed impugned docket order. The Court below also observed that as per Section 35, Proviso (a) of Stamp Act, 1899 promissory note also can be impounded with effect from 18.04.2006 in view of amendment to Stamp Act, by virtue of Finance Act, 2006 and that prior to the said date promissory note cannot be impounded. Since the pronote was executed on 07.08.2011 i.e., after 18.04.2006, it can be impounded by collecting stamp duty and penalty. If petitioner was aggrieved by docket order dated

20.04.2016, he could have challenged in higher forum instead of filing the present application. The Court below has rightly dismissed the application filed by the petitioners.

Learned counsel for the petitioner has not brought any illegality or infirmity in the order passed by the Court below, as such, this Civil Revision Petition is liable to be dismissed and accordingly same is dismissed.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

23-01-2018
kvs



A.RAJASHEKER REDDY, J

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