

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.7363 of 2017

ORDER:

The plaintiff in O.S.No.174 of 2013 is the petitioner herein. He filed the suit for specific performance of agreement of sale dated 05.01.2011. The defendant resisted the suit by denying the agreement dated 05.01.2011 as rank forgery. When the agreement was sought to be produced during the course of evidence of PW.1, it was noticed that delivery of possession of the property was given under the agreement and it requires proper stamp duty but it was executed only on Rs.100/- stamp paper and the learned District Judge, accordingly, passed order on 02.11.2017 subject to payment of stamp duty under Article 47-A of the Stamp Act with penalty. Against the said order, the present revision petition is filed.

Learned Counsel for the petitioner submits that the document can be impounded and sent to the District Registrar for passing an order with regard to the stamp duty payable on the document.

In view of the same, it is open to the petitioner to file an appropriate application for the said purpose in pending proceedings. It is needless to say that the learned Judge before whom the suit is pending shall take appropriate steps in accordance with law as and when such an application is filed.

With the above clarification, the Civil Revision Petition is disposed of.

Miscellaneous applications, if any, shall also stand dismissed.

A. RAMALINGESWARA RAO,J

Date:13.04.2018
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