

**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.236 of 2018 (O&M)

Date of decision : January 18, 2018

Inder Singh

..... Petitioner

Versus

Anil Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.S. Sobti, Advocate for the petitioner.

Mr. Inderjit Singh Chawla, Advocate for the caveator.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Impugned in the present revision petition is the order dated 06.09.2017 (Annexure P-3) passed by learned Civil Judge (Jr. Divn.), Ludhiana, vide which while finding deficiency of stamp in the agreement, a penalty of ₹15,950/- was imposed and the document/agreement was impounded.

Learned counsel for the petitioner contends that the document is in possession of the petitioner and its impounding on the ground that it may be destroyed, has not been accepted by the lower court. Therefore, the document which in possession of the petitioner could not be impounded.

I am of the view that the suit for specific performance is based on the said agreement. The said agreement was found to be under stamped. Therefore, the penalty was correctly imposed. Regarding the submission and returning of the document, learned counsel for the petitioner is directed to

produce the coloured copy of the original document before the trial court

and pay the penalty as ordered by the trial court. The trial court shall retain the coloured copy of the said agreement with the file and return the original to the petitioner after payment of stamp duty. One copy each thereof be supplied to both the parties, so that if the original agreement is destroyed as apprehended by the opposite party, the said coloured photocopy can be used as secondary evidence.

As such, the present petition is disposed of.

(KULDIP SINGH)
JUDGE

January 18, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No