

HON' BLE SRI JUSTICE M. S. RAMACHANDRA RAO

CIVIL REVISION PETITION No. 477 of 2019

ORDER:

This Revision is filed challenging the order dated 25.01.2019 in I.A.No.610 of 2018 in O.S.No.9 of 2013 of the V Additional District Judge, Bhongir.

The petitioner is defendant in the suit.

The respondent filed the said suit against the petitioner for return of original sale deeds bearing registration No.3334 of 1999, dated 30.07.1999 and two original pattadar pass books and for recovery and possession of the suit schedule property.

The petitioner sought to produce two documents which he claimed to be an agreement dated 12.08.2004 and a receipt dated 22.12.2004 in the Court below and filed I.A.No.610 of 2018 under Section 35 of the Indian Stamps Act, 1899 (for short, 'the Act') praying the Court to send the said documents for impounding to the District Registrar at Nalgonda.

The respondents contended that the documents were created for the purpose of the case, that the document dated 12.08.2004 is not an agreement or an 'instrument' and the document dated 22.12.2004 is also not an 'instrument' and does not attract the provisions of Section 35 of the Act.

The Court below agreed with the contentions of the respondent and rejected the I.A. observing that the said documents produced by the petitioner have contents which are vague and they would not come within the purview of Section 35 of the Act.

Challenging the same, this Revision is filed.

Though the learned counsel for the petitioner contended that grave prejudice would be caused to the petitioner if said documents are not impounded and the Stamp Duty collected, in my considered opinion, the Court below has specifically observed that the documents do not fall within the purview of Section 35 of the Stamp Act. So no stamp duty is payable.

The petitioner cannot claim to be aggrieved by the said order since he is benefited by not paying stamp duty on the said documents.

Accordingly, the Civil Revision Petition fails and is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

---

M.S. RAMACHANDRA RAO

09.04.2019  
vhb