

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CRP. No.1182 of 2019

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.10.04.2019 passed in I.A. No.1702 of 2017 in O.S. No.186 of 2005 by the II Additional District Judge, Ranga Reddy District.

2. The said application had been filed by the 1st respondent under Section 33 and 35 of the Indian Stamp Act, 1899 requesting the Court to impound alleged insufficiently stamped documents dt.01.08.1990, 29.01.1992, 07.02.1986, 27.12.1985 and 27.12.1985 and an affidavit dt.07.06.2006 filed in support of the I.A. No.3451 of 2006 along with receipt dt.07.06.2006.

3. In the impugned order, the Court below has simply extracted certain decisions cited by the counsel for respondent/2nd plaintiff and without application of mind to the documents in question and to the question whether they are in fact insufficiently stamped or not, straightaway concluded that the documents in question are liable for stamp duty and penalty.

4. Since this order is bereft of reasons and indicates total lack of application of mind by the Court below to the issue as to whether in fact the documents in question are insufficiently stamped or not the impugned order is set aside; and I.A. No.1702 of 2017 in O.S. No.186

of 2005 is remitted back to the II Additional District Judge, Ranga Reddy District, for fresh consideration, in accordance with law.

5. With the above, this Revision is disposed of. There shall be no order as to costs.

6. As a sequel, miscellaneous applications, if any pending, shall stand closed.

7. The Registry shall call for explanation from the II Additional District Judge, Ranga Reddy District of passing the said order without applying his mind and forcing the petitioners to approach this Court. The said explanation shall reach the High Court on the Administrative side within two weeks of receipt of a copy of this order by the Court below.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14.06.2019

LSK