

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2019 of 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/defendant aggrieved by the order dated 31.07.2019 passed in I.A.No.501 of 2019 in O.S.No.165 of 2014 by I Additional District Judge, Khammam.

2. Heard learned counsel for the revision petitioner and learned counsel for the respondent and perused the record.

3. Learned counsel for the revision petitioner would submit that there is a requirement to collect deficit stamp duty with respect to the security bond. The Court below was pleased to mark the said document as Ex.A.1 which is erroneous and ultimately, prayed to set aside the impugned order and direct the Court below to collect deficit stamp duty and penalty.

4. On the other hand, learned counsel for the respondent would submit that postponement of collection of deficit stamp duty is permissible under law. The Court below justified in passing the impugned order and ultimately, prayed to sustain the impugned order.

5. There is no dispute with regard to the marking of Ex.A.1 in O.S.No.165 of 2014 through the evidence of plaintiff/P.W.1. The dispute is only with regard to the collection of deficit stamp duty and penalty. There is a specific recital in the subject document that it was executed as a security to the loan borrowed under

that document i.e., Rs.50,00,000/- with interest @24% per annum. So, in view of the mandate under the Indian Stamp Act, 1899, stamp duty and penalty is required to be collected before the document is marked in evidence. The Court below ought not have postponed the collection of deficit stamp duty, as stated in the impugned order. Therefore, the Court below is directed to examine the document and collect the required stamp duty and penalty within two months from the date of receipt of this order. If requisite stamp duty and penalty is not paid with respect to the subject document, the Court below has to eschew the said document.

6. With the above observation/direction, this Civil Revision Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

23rd SEPTEMBER, 2019.

Dr. SHAMEEM AKTHER, J

kvni