

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO.5576 OF 2015

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt. 20.07.2015 in I.A.No.20 of 2015 in O.S.No.143 of 2012 on the file of the V Junior Civil Judge, City Civil Court, Hyderabad, refusing to send an agreement of sale dt. 28.12.1985 for the purpose of impounding by collecting proper stamp duty and penalty.

The only ground, on which the said order was passed by the Court below, was that the application was filed to impound the same at the time of cross examination and marking the document on behalf of the petitioner, and that the document, at a belated stage of more than twenty-five (25) years, cannot be allowed to be impounded.

Counsel for the petitioner contends that it is the right of the petitioner to pay the stamp duty and penalty under the provisions of the Stamp Act, 1899 and the question of delay does not arise and cannot be a consideration for rejecting the application.

Though counsel for the respondents sought to support the order passed by the Court below, I am unable to sustain the said order for the reason that when the petitioner, who is relying on the said document, wants to pay stamp duty and penalty thereon as per the provisions of the Stamp Act, the same ought to have been permitted by the Court below, and it could not have been rejected on the ground

that there is delay in filing the application or that it is filed to drag on the matter.

The Revision is, accordingly, allowed; order dt. 20.07.2015 in I.A.No.20 of 2015 in O.S.No.143 of 2012 on the file of the V Junior Civil Judge, City Civil Court, Hyderabad, is set aside; and the said I.A. is allowed.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(M.S.RAMACHANDRA RAO, J)

13th August 2019
RRB

