

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2072 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/plaintiff aggrieved by the docket order, dated 16.07.2019, passed in O.S.No.174 of 2014 by the Senior Civil Judge, Suryapet, wherein the Court below has directed the office to collect stamp duty and penalty on the impugned document, dated 21.06.2014, by treating it as "Family Settlement Arrangement".

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

3. In spite of service of notice on the respondents/defendants, there is no appearance on their behalf.

4. Learned counsel for the revision petitioner/plaintiff would submit that no stamp duty is chargeable on the subject document, dated 21.06.2014, which reflects only a family settlement. The Court below erred in directing the office to impound the subject document for collecting stamp duty and penalty, in terms of Article 49 of Schedule-I-A of Indian Stamp Act, 1899 (for short, 'the Act') and ultimately, prayed to set aside the impugned order and direct the Court below to mark the subject document, dated 21.06.2010, without collecting stamp duty and penalty.

5. In view of the submissions made by the learned counsel for the revision petitioner/plaintiff, the point that arises for determination is as follows:

“Whether the subject document, dated 21.06.2014, can be marked without collecting stamp duty and penalty?”

6. The subject document, dated 21.06.2014, reveals present and future agreements in between the parties to the litigation. It is a family settlement. The Court below recorded certain findings with regard to the subject document, dated 21.06.2014, after examining the same. The findings recorded by the Court below with regard to the nature of the subject document are in tune with the recitals in the subject document. The subject document does not reflect any past family settlement. It is a settlement between the parties to the document i.e., parents and children, who are parties to the Suit. Under these circumstances, the Court below is justified in directing the office to impound the subject document, dated 21.06.2014, to collect stamp duty and penalty. There is no legal infirmity in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Civil Revision Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

February 03, 2020.
MD