

Sl.27
13.08.2025
Court No.6
BP

C.O. 2929 of 2025

Sankar Pramanik
-versus-
Biswajit Singha

Mr. Prosenjit Mukherjee
Mr. Nirmalya Das
Mr. Jahangir Hossain
Mr. Saptarshi Chakraborty
Ms. Tiya Ghosh
Mr. Prosenjit Chongder
Mr. Raja Roy
... for the petitioner

Mr. Parashar Baidya
Ms. Sanjana Basu
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 17 dated 11th July, 2025 passed by the learned Civil Judge (Senior Division), 10th Court at Alipore in Title Suit No. 117 of 2017.

By the order impugned the application filed by the petitioner herein praying for impounding an insufficiently stamped document stood rejected.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the agreement for sale is an insufficiently stamped document and for which the same is required to be impounded.

The learned advocate appearing for the opposite party submits that impounding the said document will be

a futile exercise as the petitioner failed to adhere to the timeline stipulated in the said agreement.

Section 33 of the India Stamp Act states that every person having by law or consent of the parties, authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same and for that purpose every such person shall examine every instrument so chargeable and so produced or coming before him, in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in India when such instrument was executed or first executed.

Section 35 of the Indian Stamp Act states that no instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of the parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped.

On a conjoint reading of Section 33 and 35 of the Indian Stamp Act this Court is of the view that when an insufficiently stamped document is produced before the court of law, the same has to be impounded.

After going through the order impugned this Court finds that the learned trial judge without considering the aforesaid provisions of the Indian Stamp Act rejected the application praying for impounding of the agreement for sale.

For such reason, this Court is inclined to interfere with the order impugned. Accordingly the order dated 11th July, 2025 stands set aside. The application filed by the petitioner praying for impounding the unregistered agreement dated 22nd December, 2011 stands restored to the file of the learned Civil Judge (Senior Division), 10th Court at Alipore.

The learned trial judge is directed to consider the said application afresh and dispose of the same by passing a reasoned order after giving an opportunity of hearing to the respective parties.

With the above observation and direction, C.O. 2929 of 2025 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)