



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

203

CR-7634-2018 (O&M)

Date of Decision : 10.03.2025

PREETJOT KAUR AND ANR

.... Petitioners

VERSUS

HARDEEP SINGH AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Namit Gautam, Advocate for the petitioners.

Mr. Ajaivir Singh, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 01.09.2018 (Annexure P-5) passed by the learned Civil Judge (Junior Division), Ludhiana whereby the application filed by defendants No.1 and 2-petitioners for impounding the original agreement to sell dated 30.04.2008 as per Sections 33 and 35 of the Indian Stamp Act, 1899 was dismissed.

2. Learned counsel for defendants No.1 and 2-petitioners would contend that no doubt that only a photocopy of the document was available on the file, however, relying upon the judgment of the Andhra Pradesh High Court in the case of **Kasireddy Satyanarayana V/s State of Andhra Pradesh [2021 (5) ALT 581]** it is contended that if the original document, which was filed in the Court and was deficiently stamped, is lost or misplaced while in the custody of the Court, it can be reconstructed by the

Court by exercising its inherent powers and the document assumes the character of an original document including for the purpose of the Stamp Act.

3. *Per contra*, learned counsel for plaintiff-respondent No.1 has relied upon a judgment of this Court in the case of **Sandeep Kumar & Ors. V/s Chandigarh Overseas Pvt. Ltd. & Ors. [2023 (2) PLR 689]** to contend that once the document had been exhibited, the same cannot be de-exhibited and the objection qua stamp duty cannot be raised at that stage.

4. Heard.

5. In the present case, admittedly, a photostat copy of the agreement to sell is on the record before the Civil Court which is apparent from a perusal of the impugned order dated 01.09.2018. The Trial Court has rightly held that the original of the agreement to sell can be impounded and a photocopy cannot be impounded. It is an admitted case that the original document is lying attached in a file titled as 'State V/s Hardeep Singh'. Learned counsel for defendants No.1 and 2-petitioners is not able to dispute the fact that the original document is lying in the file of the criminal case and only a photostat copy is available on the file before the Civil Court. The judgment relied upon by the learned counsel for defendants No.1 and 2-petitioners in the case of **Kasireddy Satyanarayana** (supra) would have no applicability in the present case as the same deals with the reconstruction of a document which is lost after having been submitted in Court.

6. A Coordinate Bench of this Court in the case of **Sandeep Kumar** (supra), while dealing with Section 36 of the Indian Stamp Act,

1899 has held that Section 36 debars the Court from calling in question any instrument, which has been admitted in evidence, on account of deficiency in stamp duty. Admittedly, the document stands tendered as evidence and had also been exhibited. On a query by the Court as to whether any objection was raised by defendants No.1 and 2-petitioners at the time of exhibiting the document, learned counsel for defendants No.1 and 2-petitioners states that no such objection was raised when the document was exhibited.

7. In view of the above, I do not find any merit in the present revision petition and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

10.03.2025

Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No