HC-KAR

NC: 2026:KHC:59828
WP No. 792 of 2026

CNR: KAHC010015472026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 792 OF 2026 (GM-CPC)

BETWEEN:

SRI. KIRAN S.J.
AGED ABOUT 39 YEARS
S/O LATE S.N. JAYARAMREDDY
RESIDING AT NO.5/1, 60FT ROAD
SANJAYNAGAR, NEAR PETROL BUNK
AMARJYOTHI LAYOUT
BENGALURU - 560 094.

...PETITIONER

(BY SMT. CHETHANA MANJUNATH, ADVOCATE FOR
SRI. MANJUNATH B.S, ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SMT. NARAYANAMMA
AGED ABOUT 60 YEARS
W/O LATE N. MUNIYAPPA

2. SRI.RANGANATH N.M.
AGED ABOUT 36 YEARS
S/O LATE N.MUNIYAPPA

RESPONDENT NOS.1 AND 2 ARE
R/AT NERLAGHATTA VILLAGE
KASABA HOBLI, DODDABALLAPUR TALUK
BENGALURU RURAL DISTRICT - 561 203.

3. SMT. AKHILA KOLLI
AGED ABOUT 63 YEARS
W/O SUDHAKAR KOLLI.

4. KARTHIKA KOLLI
AGED ABOUT 39 YEARS
D/O SUDHAKAR KOLLI

5. TARUN KOLLI
AGED ABOUT 29 YEARS
S/O SUDHAKAR KOLLI

RESPONDENTS NO.3 TO 5
ARE R/AT NO.198, 1ST CROSS,
2ND MAIN, KEB LAYOUT
SANJAYANAGAR, RMV 2ND STAGE
BENGALURU - 560 094.

6. THE STATE OF KARNATAKA
HIGH COURT, VIDHANA SOUDHA
BANGALORE - 560 001.

…RESPONDENTS

(BY SRI. G.S. ARUNA, HCGP FOR R6;
VIDE ORDER DATED 14.01.2026, NOTICE TO R3 TO R5 IS DISPENSED WITH;
VIDE ORDER DATED 06.10.2026, NOTICE TO R2 IS HELD SUFFICIENT;
R1 IS SERVED AND UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28-06-2025 IN OS. NO. 344/2024 ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE, DODDABALLAPURA PRODUCED AS ANNEXURE-A, AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present writ petition impugns the order dated 28.06.2025 passed in O.S. No. 344/2024 by the Additional Senior Civil Judge, Doddaballapura, directing the payment of stamp duty under Article 5(e)(i) of the Karnataka Stamp Act, 1957.

2. Learned counsel appearing for the petitioner submits that the subject matter of the suit for specific performance is an agreement of sale dated 14.09.2021. It is contended that the agreement expressly stipulates that possession of the property has not been delivered to the purchaser and that possession would be handed over only at the time of execution of the sale deed. Accordingly, it is contended that the Trial Court erred in construing the terms of the agreement and directing payment of stamp

duty under Article 5(e)(i), instead of Article 5(e)(ii), of the Karnataka Stamp Act, 1957.

3. Per contra, the learned Additional Government Advocate appearing for the respondent-State fairly submits that, under the agreement in question, possession is agreed to be handed over at the time of execution of the sale deed and that the applicable stamp duty is payable under Article 5(e)(ii) of the Karnataka Stamp Act, 1957.

4. Considered the submissions made by learned counsel for the petitioner and learned Additional Government Advocate and perused the material on record.

5. A perusal of the agreement of sale dated 14.09.2021 makes it clear that possession of the property was not delivered under the agreement and that the parties had agreed to hand over possession at the time of execution of the sale deed. Where possession is not delivered under the agreement of sale and is agreed to be delivered only upon execution of the sale deed, the

applicable provision for levy of stamp duty is Article 5(e)(ii) of the Karnataka Stamp Act, 1957.

6. The Trial Court, therefore, erred in directing the petitioner to pay stamp duty under Article 5(e)(i) of the Karnataka Stamp Act, 1957, by misconstruing the relevant clause of the agreement relating to the delivery of possession. The impugned order, being contrary to the express terms of the agreement, cannot be sustained.

7. Accordingly, the following:

ORDER

(i) The writ petition is ***allowed.***

(ii) The order dated 28.06.2025 passed in O.S. No. 344/2024 by the Additional Senior Civil Judge, Doddaballapura, is hereby set aside.

(iii) The petitioner shall be liable to pay stamp duty in accordance with Article 5(e)(ii) of the Karnataka Stamp Act, 1957.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 1 Sl No.: 2