ORDERS ON STAMP DUTY

An unregistered sale deed dated 07.11.1997 was impounded. The sale deed was stamped at Rs.200/-. As of the date of the execution of the sale deed, 12% of the market value has to be paid on the sale deed.

2. The sale consideration on the sale deed is Rs.1,50,000/-. If the market value is taken as Rs.1,50,000/-, the stamp duty has to be paid at Rs.1,50,000 /- X 12 / 100 = 18,000/-.

3. The stamp duty is paid is at Rs.200/-. Deficit stamp duty has to be paid is Rs.17,800/-.

4. 10 times penalty has to be paid on the deficit stamp duty. Therefore, the plaintiff has to pay the deficit stamp duty and penalty as follows;

1,50,000	X	12	=	18,00,000
18,00,000	/	100	=	18,000
18,000	-	200	=	17,800
17,800	X	10	=	1,78,000
1,78,000	+	17,800	=	1,95,800

5. The learned counsel for the plaintiff has argued that the plaintiff is not claiming the entire property. Some of the property has been taken away for the purpose of road. The plaintiff is only claiming 864 sq ft. Therefore, the market value has to be calculated on 864 sq ft. The learned counsel for the plaintiff has also filed calculation memo imposing Rs.5/- penalty per year on the stamp duty.

6. The court is calculating the stamp duty and penalty on the basis of the recitals mentioned in the deed. Even if the plaintiff does not claim anything under the said document, as the plaintiff has produced the document and intends to lead evidence on the said document, the plaintiff has to pay the stamp duty and penalty as per the recitals of the deed and not as per the claim on the property mentioned in the plaint. The imposition of Rs.5/- penalty per year to the document is also irrational as the law does not give discretion to the court to impose penalty at a lower rate. Therefore, the argument of the learned counsel for the plaintiff cannot be accepted. In view of the same, I proceed to pass the following:

ORDER

The plaintiff is directed to pay Rs.1,95,800/- as stamp duty and penalty on the unregistered sale deed dated 07.11.1997.

Call on 26.03.2025.

I Addl. C. J. & JMFC,
Belagavi.