

01-12-2025:

ORDER ON IA No.IV

The plaintiffs have filed IA No.4 Under Section 151 of CPC R/w Section 34 of the Karnataka Stamp Act, praying for impound in the unregistered release deed with possession dated 11-02-2002, said to have been executed by the defendants in favour of the plaintiffs' mother, Smt. Sharavva W/o Gadigeyya Revayyanavar @ Hiremath.

In the affidavit filed in support of the application, it is stated that the plaintiffs are ready and willing to pay the requisite stamp duty and penalty on the said unregistered release deed with possession. It is further stated that the documents requires to be impounded and send to the District Registrar for determination of proper stamp duty and penalty.

On the other hand the defendants have not filed any objections to the IA No.4.

Heard the learned counsel for the plaintiffs and perused the materials on record.

The documents dated 11-02-2001 produced by the plaintiffs is an unregistered release deed coupled with possession. Under section 34 of the Karnataka Stamp Act, the Court is obligated to impound any documents produced before it which is unstamped or insufficiently stamped.

The release deed with possession is chargeable with stamp duty as a conveyance, and unless duty stamped, such a documents cannot be admitted in evidence under Section

35 of the Karnataka Stamp Act. The plaintiffs have expressed readiness to pay the duty and penalty, and therefore, the documents is required to be send to the District Registrar for adjudication. Hence, in view of the statuary mandate, the application deserves to be allowed. So, this Court deems it fit to pass the following:

ORDER

IA No.4 filed by the plaintiffs under Section 151 of CPC R/w Section 34 of Karnataka Stamp Act is hereby allowed.

The unregistered release deed with possession dated 11-02-2002 is ordered to be impounded and shall be sent to the District Registrar for adjudication of proper stamp duty and penalty in accordance with law.

Call on for compliance report on 30-01-2026.

Senior Civil Judge, Bailhongal.