

OS 102/2015

ORDER

The plaintiff at the time of giving evidence as produced the unregistered agreement of sale deed dated 08.02.2006.

This Court has noticed that the document unregistered agreement of sale deed dated 08.02.2006 is stamped with Rs.100/- and it is found that it is insufficiently stamped document. Hence, this Court impounded the unregistered agreement of sale deed dated 08.02.2006.

Heard the counsel for plaintiff, he argued that this court has got discretionary power to impose penalty of less than 10 times and even Rs.5/-.

This Court has gone through the decision of the Hon'ble High Court of Karnataka reported 2013(4) Kar.L.J.247, wherein the Hon'ble High Court has held that the Court cannot levy the penalty less than 10 times.

In view of the settled proposition of law, this Court has no discretionary power to impose penalty less than 10 times. The unregistered agreement of sale deed with out

possession is to be charged under article 5(e) (ii)(a)(iv) of the Karnataka Stamp Act and duty is to be paid is Rs.200/-. Hence, this Court proceed to pass the following:-

ORDER

The plaintiff has to be pay duty and penalty as per below calculation:

Duty to be paid Rs.200.00
Duty paid on A.S. Rs.100.00
Deficit Duty is Rs.100.00
Deficit Duty Rs.100.00 X 10 times
penalty = 1,000.00 + One time duty
1,000 + 100 = 1,100/-.

For payment of duty and penalty.

Call on 04.03.2020.

***Addl.Civil Judge & JMFC.,
Hosadurga.***