IN THE COURT OF THE CIVIL JUDGE AND ADDL. J.M.F.C AT TARIKERE

O.S.No.199/2022

PLAINTIFF	**vs.**	**DEFENDANTS**
Sri. R.M. Nanjundappa		Sri. T.G. Mohankumar and others

Date: 04.01.2025 **Proceedings or Orders of the Judicial Officer**

ORDERS ON STAMP DUTY ON THE AGREEMENT OF SALE DATED 29.06.2005

1. The Plaintiff has produced an agreement of sale dated 29.06.2005 and has sought to produce the same as evidence on his behalf. The said agreement of sale has been entered upon stamp paper for a value of Rs.50/-.

2. On considering the recitals of the said document, the parties therein have entered into an agreement of sale of the subject property for a total consideration of Rs.13,000/-. A further recital found in the agreement would reveal that the vendor has handed over the possession of the suit schedule property to the purchaser under the very same agreement. Hence, there is delivery of possession under the said document.

3. On considering the amended provisions of Karnataka Stamp Act, 1957, the proper stamp duty levied on an agreement relating to sale of immovable property where possession of the property is delivered is the same as the conveyance (No.2) on the market value of the property. As per the Article

20, for conveyance, proper stamp duty is 7 ½ % of the value. The value as mentioned in the agreement of sale under consideration is Rs.13,000/-. Hence, the proper stamp duty payable is 7.5% on the said amount which amounts to Rs.975/-.

4. Since the Plaintiff has made a payment of Rs.50/- as stamp duty, on deducting the same, the deficit would amount to Rs.925/-. On imposition of penalty at 10 times, the stamp duty and penalty payable shall be Rs.9250/-. Hence, it is ordered that the deficit stamp duty and penalty payable on the agreement of sale dated 29.06.2005 is Rs.10,175/- in total. With these observations, the following -

ORDER

The Plaintiff is directed to pay Rs.925/- as deficit Stamp Duty and Rs.9250/- as penalty. (Total of Rs.10,175/-) on the agreement of sale dated 29.06.2005.

The office is hereby directed to collect the Stamp Duty and penalty levied and send an authenticated copy of the document along with the deficit Stamp Duty and penalty to the Deputy Commissioner as per Sec.37 of Karnataka Stamp Act.

For payment of stamp duty and penalty by

sd/-

C.J & A.J.M.F.C. Tarikere