

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE AND CJM, AT. HAVERI**

:PRESENT:

**Sri.Mahammad Anwar Hussain Mogalani
B.Sc., L.L.B. (Spl)**

Prl. Senior Civil Judge & CJM,
Haveri

DATED THIS 11TH DAY OF NOVEMBER-2025

O.S.No.232/2018

PLAINTIFFS:

1. Smt. Tahirabanu
W/o Hasanabas Nadaf,
Age: 46 years,
Occ: Household and Agri.,
R/o Naregal, Tq: Hangal
Dist: Haveri and another.

V/s

DEFENDANTS:

1. Akbarsab
S/o Mahammadjafarsab Karadi,
Age: 53 years,
Occ: Agriculture,
R/o Kolur, Tq: and Dist: Haveri
and others.

ORDERS ON PAYMENT OF DEFICIT STAMP DUTY

The defendants have filed produced mutual consent partition deed in respect of suit properties and now the question arise whether the said mutual consent partition deed has been impounded and sent to the District Registrar, Haveri to collect stamp duty with 10 times penalty.

2. On the other side orally objected for impounding and payment of stamp duty to the said documents.

3. Heard both the sides on the documents i.e., mutual consent partition deed and following points arises for my consideration.

1. Whether the learned counsel for defendant No.1 to 3 have made out sufficient grounds to impose penalty to the unregistered mutual consent partition deed as produced in this case?

2. What order?

4. My answers to the aforesaid points are as follows

Point No.1 : In the Negative

Point No.2 : As per final order for the following:

REASONS

5. **Point No.1:-** The learned Advocate for defendant No.1 to 3 has produced mutual consent partition deed which is unregistered and written on white paper dated 29.05.2008. When this court has raised objection to sent this mutual consent partition deed to the District Registrar, Haveri for collection of deficit stamp duty with 10 times penalty at this stage, and this unregistered partition deed has been written on plain paper without writing on the stamp paper. Under these circumstances the learned Advocate for plaintiff has raised the objection to sent the mutual consent partition deed which is unregistered and also not written on proper stamp paper he prays to reject the application.

6. On other hand, the learned counsel for defendant No.1 to 3 has stated that mutual consent partition deed can be written on the stamp paper and thereafter it has been registered by paying stamp duty. As per Section 33 and 34 of Karnataka Stamp Act, if any partition deed or conveyance deed or consent wherein once the document is mutual consent partition deed i.e., unregistered and written on stamp paper is to be sent to District Registrar, Haveri to collect deficit stamp duty with 10 times penalty

is concerned that this unregistered mutual partition deed which is having no presumption under Evidence Act and as stated above as per Section 33 and 34 of Karnataka Stamp Act, if any partition deed or any deed on conveyance or consent without unregistered document have to be registered on the stamp duty but not on the stamp paper. If once this documents is impounded and sent to District Registrar, Haveri to collect the deficit stamp duty is concerned, there are no good grounds appearing in respect of written on mutual consent partition deed on the bond paper having no hurdles to write such mutual consent partition deed on the stamp duties, then the only the document as to be impounded, this mutual partition deed which is unregistered and no proper stamp duties have been paid, then this document cannot be taken into evidence for consideration to dispose the case of the plaintiff by the defendants cannot be considered. When such being the case the documents cannot accepted in the evidence and accordingly point No.1 is answered in the **Negative.**

7. **Point No.2:-** As per the reasons stated in point No.1, I proceed to pass the following.....

ORDER

*The mutual consent deed
i.e., unregistered ad also written
on white paper dated 29.05.2008
cannot be considered in the
evidence.*

*Call on for further chief
examination of DW1 by
13.11.2025.*

**Prl. Senior Civil Judge & CJM,
Haveri**