

ORDERS ON MEMO DATED
01-04-2024

The counsel for def No.2 filed memo seeking return of document styled as "Pavati Patra" dated 07-02-2007.

Counsel for plaintiff filed objections to memo contending that as per the orders on payment of duty and penalty on afore mentioned document defendants have to comply the order, instead that def No.2 filed present memo to escape from the payment of stamp duty and without complying the order document can't be returned .

Heard both counsel on memo .

Perused the materials available on record.

Hence the following Points arise for my consideration.

Point No.1 Whether def No.2 made out sufficient grounds to return document " Pavati Patra" dated 09-02-2007 to her ?

Point No. 2 : What order ?

My answer to the above points are as under.

Point No.1 : In the negative.

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

REASONS

The plaintiff has filed suit for partition and separate possession.

Def No.1 and 2 appeared and filed their W.S.

After framing of Issues, plaintiff side evidence was recorded and during the course of examination in chief by def No.1/DW-1 she has produced afore mentioned document titled as "Pavati Patra" dated 07-02-2007. But the other side counsel objected for marking the document on the ground that it is unregistered and unstamped.

This court by its order dated 17-08-2023 passed order directing def No.1 and 2 to pay deficit duty and ten times penalty on document "Pavati Patra" date 07-02-2007.

Despite giving sufficient opportunities the defendants not complied the order dated 17-08-2023 and failed to pay duty and penalty of Rs.4,53,550/- on said document. Observing the conduct of defendants and inspite of providing sufficient time , this court by its order dated 07-03-2024. discarded the document titled as "Pavati Patra" 07-02-2007.

Now the def No.2 come up with this memo seeking return of the said document. During the course of arguments by L/C appearing for def No.2 argued that the def No.2 has produced the document and it is her own document and at any point of time of the trail she make seek its return.

On going through the arguments of both the sides, it is pertinent to note that, once a document submitted before the court along with the pleadings or at any subsequent dates of trail, such pleadings and documents becomes part of the records of the court. Moreover the document sought for return was ordered for payment of duty and penalty due to its non payment of stamp duty. Whether the document exhibited or unexhibited that can't be returned unless some ex trim circumstances, as the documents once submitted before the court those will become part of its record. Further def No.2 in her memo has not mentioned for what reason she needs return of document. Hence on the above mentioned reasons, I answer point No.1 in the negative.

Point No. 2: For the discussion made on point No.1 I proceed to pass the following...

ORDER

The memo dated 01-04-2024 filed by def No.2 seeking return of document titled as “Pavati Patra” dated 07-02-2007 is hereby rejected.

For further chief of DW-1

Call on : 02-05-2024

Sd/-

ACJ & JMFC Mudhol