

ORDER ON ADMISSIBILITY AND IMPOUNDING
OF DOCUMENT DATED 26.11.2012 :-

The plaintiff has filed this suit for the relief of specific performance of the contract.

2. The plaintiff has relied unregistered Sale agreement dated 26.11.2012. On perusal of said document it is noted that on the same day execution of sale agreement possession was delivered. Since possession is delivered stamp duty as to be paid as conveyance. The said document is insufficiently stamped document. Hence, as per Karnataka Stamp Act, the Plaintiff has to pay deficit Duty and Penalty. Further, the said document produced by the plaintiff cannot be marked in evidence unless stamp duty is paid and said document can be admitted in evidence only on payment of stamp duty as payable on the agreement of sale. Under such circumstances, unless stamp duty is paid on the document as required to be paid on the agreement of sale, said document is not admissible in the evidence. In view of decision rendered by the Hon'ble Apex Court in Seetharama Shetty v. Monappa Shetty reported in 2024 INSC 650, it is just and necessary to refer unregistered Adoption deed dated:29/05/1998 to the District Registrar, Mysore for determination of the duty and penalty and also for collect the Duty and Penalty. Hence, this court proceed to pass the following,

ORDER

The unregistered agreement of sale dated:26.11.2012 stands impounded.

If the plaintiff want to mark the document she shall be at liberty to pay the duty and penalty.

Office is directed to send the above said document to the district registrar, Mysore for determination of the duty and penalty and also for collect the Duty and Penalty with a direction to resend the said document after making necessary entry.

Await document. Call on 20.11.2025.

I Addl. Civil Judge & JMFC.,
Nanjanagudu.