

KAMS710000562018



IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND
JMFC AT T.NARASIPURA

Dated this the 23rd day of February 2026

Present: **Smt. Niveditha N., B.A.L., LL.B, LL.M.,**
I Additional Civil Judge & JMFC., T.Narasipura.

O.S./8/2018

Applicant: Smt.Parvathi
..... defendant No.1

V/s

Opponents: Nataraju
..... plaintiff

i.	Provision under which the application is filed	U/s 33 & 34 of Karnataka Stamp Act R/w 151 of CPC
ii.	Relief sought for	To impound the suit document
iii.	The date on which the application is filed	23/05/2022

iv.	Number of the application	No.10
V.	The date on which the objections are filed by different opponents	06/06/2022
vi.	The date on which the orders were passed on the said application	23/02/2026

Order on IA No.10 filed U/s 33 & 34 of Karnataka Stamp Act R/w 151 of CPC

1. The defendant No.1 has filed this application seeking to permit him to impound Ex.P1.
2. In the accompanying affidavit, the defendant No.1 has stated that at the time of examination in chief of P.W.1, the alleged On demand pronote has been marked as Ex.P1 and the said document is insufficiently stamped and the same ought to have been impounded for the purpose of duty and penalty before it has been marked. The insufficiently stamped document cannot be marked as exhibits till the duty and penalty imposed by the Court is satisfied. Hence, prays to allow the application.

3. Per contra, the plaintiff has filed objections to the above application and contended that as per the say of the defendant No.1, at the time of examination in chief of P.W.1, the alleged On demand pronote has been marked as Ex.P1 but at the same time the defendants have not questioned and have not raised any objection at the time of marking of the document. Once the document has been marked as exhibit and trial has been proceeded, that cannot be questioned at belated stage. Hence, the application is not maintainable either in law or on facts of the case. Hence, prays to dismiss the application with costs.

4. Heard the argument of counsel for both parties.

5. The following points are arise for my consideration:

1) Whether the defendant NO.1 has made out grounds to allow the application?

2. What Order?

6. Perused the documents available on record.

7. My answer to above points are as under:

Point No.1 : In the Affirmative

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

REASONS

8. Point No.1: The plaintiff has filed the suit seeking for the relief of recovery of amount of Rs.3,78,000/- with interest. The defendants have filed the written statement by denying the claim of the plaintiff. When the matter is posted for cross of P.W.1, the defendant No.1 has filed the present application seeking to impound Ex.P1. The plaintiff has filed the objections.

9. In the affidavit the defendant No.1 has stated that, Ex.P1 has been marked without paying proper duty and penalty and it is insufficiently stamped and without paying proper stamp duty and penalty, the alleged pronote cannot be marked. Hence, he prays to impound the document.

10. The plaintiff in his objections has contended that, the defendants have not questioned and not raised any objection during marking of the document and subsequently the defendant No.1 cannot raise his objection.

11. On perusal of the materials available on record, it discloses that the plaintiff has sought for the relief of recovery of amount against the defendants on the ground that the husband of defendant No.1 was borrowed the

amount of Rs.2,50,000/- from the plaintiff by executing the On demand promissory note and consideration receipt. However, the husband of defendant No.1 failed to pay the loan amount, hence the plaintiff got issued legal notice to the husband of defendant No.1 and it is returned as the husband of defendant No.1 is no more. Hence, they have filed the present suit.

12. The plaintiff has relied upon promissory note and consideration receipt and it is marked as Ex.P1 and 2 and said documents are not properly stamped. Hence the defendant No.1 has filed the above application. The objection of plaintiff is that once the document is marked, the same cannot be questioned is not acceptable. Validity of documents can be raised at any stage of suit and even the court can impound the document while passing judgment if document is not properly stamped. Hence, it is necessary to impound Ex.P1 and 2 for payment of proper stamp duty and penalty. Hence, this court proceeds to answer Point No.1 in the **Affirmative.**

13. Point No.2: In view of the answer and reasons stated in point No.1, this Court proceed to pass the following;

ORDER

IA.No.10 filed by defendant No.1 U/s 33 and 34 of Karnataka Stamp Act R/w 151 of C.P.C is hereby allowed with cost.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 23rd day of February 2026]

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**

(Order pronounced in open court vide separate order)

ORDER

IA.No.10 filed by defendant No.1 U/s 33 and 34 of Karnataka Stamp Act R/w 151 of C.P.C is hereby allowed with cost.

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**

Direct the office to forward the copy of Ex.P1 and 2 to the District Registrar to ascertain proper stamp duty and penalty and submit the report.

Call on 02/04/2026.

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**