

ORDERS ON IA NO.14

The plaintiffs have filed this application U/sec.13 rule 8 R/w.Sec.151 of CPC and Sec.34 of Stamp act to impound the original un-registered partition deed dated 14.06.1974.

2. In the affidavit contended that the case is posted for cross of PW-1. The plaintiff filed original un-registered partition deed dated 14.06.1974 executed by Balayya S/o. Hanumayya in favour of grandfather of the plaintiff in presence of witnesses and handed over the possession of the suit land to the plaintiff on the date of execution of the deed. The said deed was written on insufficient stamp paper and also un-registered. Hence it is necessary to impound the documents as the plaintiff is ready to pay the deficit stamp duty with penalty. Hence prays to allow the application.

3. On the other hand the defendant filed objection. In the objection contended that the production of documents at this belated stage is not maintainable. Hence prays to reject the IA No.14.

4. Heard both sides.

5. After going through the materials available on record the plaintiff filed this suit for declaration and permanent injunction in respect

of suit schedule property. Now the case is posted for cross of PW.1 finally. At this stage the plaintiff filed this application along with un-registered partition deed dated 14.06.1974 which was written on Rs.3 stamp paper. Hence considering the materials the said documents is in respect of suit property it discloses as earlier partition. Hence it is necessary to impound the documents and send the deed to the district registrar for calculation of deficit stamp duty with penalty. Hence, this court proceed to pass the following;

ORDER

IA No.14 filed by the plaintiffs is hereby allowed.

The un-registered partition deed dated 14.06.1974 is impounded.

Office is directed to send the un-registered partition deed dated 14.06.1974 to the District Registrar Raichur to calculate the deficit stamp duty with penalty of the alleged un-registered partition deed.

Office is further directed to keep the one set copy of the same in the case file.

Call on

**Senior Civil Judge and J.M.F.C.,
Devadurga.**