

ORDER ON I.A

The Plaintiff filed this application U/s 151 of CPC to return the document to the plaintiff which is unregistered sale agreement dated 29.08.2016.

2. In the affidavit contended that, the plaintiff filed this suit for specific performance of contract on the strength of the unregistered sale agreement dated 29.08.2016 executed by the defendant in favour of the plaintiff. Further contended that the plaintiff furnished the unregistered sale agreement and it is necessary to pay the stamp duty with penalty. Hence, it is just and necessary to return the document dated 29.08.2016. Hence, prays to allow the application.

3. On the other hand, the defendant submitted on cost it may be allowed.

4. Heard both the sides.

5. After going through the material available on records, the plaintiff filed this suit for Specific performance of contract on the strength of the unregistered agreement of sale dated 29.08.2016. Now the case is posted for further chief of PW.2. At this stage, plaintiff has filed the application for return of document to approach the District Registrar to pay the deficit stamp duty and penalty.

6. On the other hand, the defendant submitted on cost it may be allowed. Considering the material document which is the unregistered agreement and now plaintiff intend to pay the deposit stamp duty with penalty in the office of District Registrar Ramanagara and for that the plaintiff filed this application for return of said document which is written on e-stamp of Rs.200/- towards stamp duty. Hence, it appears that the

document is required to pay the deficit stamp duty with penalty. Hence, the party can approach the district registrar for payment of deficit stamp duty and penalty and court can also impound the document and send to the District Registrar for calculation of the stamp duty and penalty. In this case, the plaintiff himself filed this application for return of document. Hence, considering the entire material, it is necessary to allow the application. Hence, this court proceed to pass the following;

ORDER

I.A.No.V filed by the plaintiff
U/s 151 of CPC is hereby allowed.

Office is directed to return the
original deed by keeping the copy of
said document in file.

Call on for further chief of
PW.2 by 20.07.2024.

(SURESH ANNAPPA SAVADI)

Prl. Civil Judge & JMFC.,
Kanakapura.