

ORDERS ON MARKING OF DOCUMENT

During trial, D.w.6 has tendered unregistered partition deed dated: 20.10.1975 and 12.05.1982. The same has been objected by the plaintiff on the ground of want of registration.

2. Plaintiffs have instituted the suit for the relief of partition and separate possession. The defendant No.2(a) to (c) have pleaded prior partition under unregistered partition deed dated: 20.10.1975 and 12.05.1982.

3. For want of registration, the objected documents are hit by Sec.17 of the Registration Act, 1908. At this juncture, the following rulings are referred:

a) ILR 2002 KAR 3613 between K.Anjaneya Shetty Vs. K.H.Rangaiah Shetty. In this judgment, it is held as follows:-

Section:35: There is no total prohibition for receiving unregistered documents in evidence. Unregistered partition deed could be received in evidence to prove any collateral transaction.

4. In the instant case, the unregistered partition deed dated: 20.10.1975 has been drafted using stamp paper worth Rs.10/- and another partition deed dated: 12.05.1982 has been drafted using stamp paper worth Rs.5/-. There is a gross deficit stamp. Hence, subject to payment of deficit stamp duty and

penalty the document can be marked only for limited/collateral purpose.

Accordingly, I proceed to pass the following

ORDER

D.w.6 is permitted to produce the unregistered partition deed dated: 20.10.1975 and 12.05.1982 in evidence, subject to payment of stamp duty and penalty.

The documents are marked for limited and collateral purpose.

The D.w.6 shall calculate and pay requisite deficit stamp duty and penalty on or before next date of hearing. He shall supply copy of the calculation to the plaintiff.

Suit is seven years old. No time will be granted in future. Both parties shall assist the court for speedy trial.

Call on 26.11.2019.

**Senior Civil Judge & JMFC.,
Sira.**