

O.S.No. 81/2019

-.ORDERS ON DOCUMENT STYLED AS LEKHI
AND AGREEMENT DATED: 12-03-1992

The present suit is filed by plaintiffs against defendants for the relief of declaration and possession and now when case is posted for further defendants evidence, the above said documents are produced by defendants praying this court to mark the same as exhibits, which is objected by plaintiffs contending that, said documents are insufficiently stamped and unregistered documents, hence same cannot be marked in evidence.

2. Heard. Perused the records.

3. Admittedly, first document styled as lekhi is a document, wherein village elders have divided the properties amongst brothers and it is written on plain paper, whereas second document

is styled as arrangement document executed between brothers and written on Rs.10/- stamp paper.

4. The learned counsel for defendants by referring to the decision reported in AIR 1988 SC 881 contended that, both documents do not require registration. With due respect, the decisions referred by learned counsel for defendants are not applicable to the facts of the case, because parties in the case are Mohammedans and Mohammedan Law is applicable to them which is different than Hindu Law. Hence, the contention taken by defendants does not hold any water.

5. As rightly contended by plaintiffs, both documents are insufficiently stamped and unregistered. Hence, both documents require deficit stamp duty and penalty to be paid in order

to mark the same as exhibits in evidence. Hence,
I proceed to the pass the following;

ORDER

Both the documents relied by
defendants and produced in evidence are
hereby impounded.

Office is hereby directed to send the
copy of both the documents to District
Registrar, Vijayapur for ascertaining
deficit stamp duty and penalty and return
the same forthwith.

**Addl. Sr. Civil Judge & JMFC
Sindagi.**