ORDER ON MEMO FILED BY DEFENDANTS

1. Defendants have produced unregistered sale deed dated 3-4-1983 during chief examination of Dw1. Counsel for plaintiff as objected to mark document as exhibit. Therefore this court has sent said document to District Register to calculate deficit stamp duty.

2. District Register has filed filed report on 05/12/2023 stating that property number and village name is not visible and clear.

3. Counsel for defendants have filed memo stating that Plaintiff has filed RTC's of suit property. Further it is stated that survey number , measurement mentioned in the plaint by plaintiff, same may considered and send to District Register For submitting report.

4. Plaintiff counsel has filed objection to memo contending that memo is not maintainable. Further it is contended that, Unregistered document is not concern to the suit land. There is no survey number and boundaries mentioned. Further it is stated that unstamped document has to be calculate on basis of content document but not on the pleading or ROR. Hence prays to reject he memo.

5. Heard the Learned Counsels appearing for the parties and perused the materials on record.

6. The following points arise for consideration of this Court:

***<u>Point No.1:</u>* Whether the defendants have made out grounds for allowing the memo ?**
***<u>Point No: 2</u>* What order?**

7. The findings of this Court on the above points are as under:

Point No.1: Negative
Point No.2: As per the final order for the following:

<u>REASONS</u>

8. **<u>Point No.1:</u>** This is the suit filed by plaintiff against the defendants for the relief of declaration and injunction. When the matter is posted for the defendant evidence. DW1 has produced Unregistered sale deed. It is the contention of defendants is that Record fo rights produced by the plaintiff that has to be considered for calculating deficit stamp duty and penalty.

9. On perusal of unregistered sale deed, it reveals that there is no survey number, village mentioned with regarding property

identification. The document in question lacks essential details, including the survey number, measurement, and specific location of the property. Without this crucial information, it is impossible to accurately determine the stamp duty payable. The absence of vital particulars renders the document incomplete, making it challenging to ascertain the true value of the property. As a result, any attempt to calculate stamp duty would be speculative and potentially inaccurate. It is imperative that the document contains all necessary information to ensure a fair and precise calculation of stamp duty.

10. It is the duty of the party relying on the document to produce clear and complete document. In this case, the defendants have failed to provide essential details, including the survey number, measurement, and specific location of the property. Without these crucial particulars, defendants are relying on record of rights produced by the plaintiff. The burden of proof lies with the defendants to produce a complete and valid document. Until the defendants provides the necessary document to calculate stamp duty would be speculative. Therefore memo filed by defendants to rely on documents produced by plaintiff is not acceptable. With these observations**, this Court**

has answered point No.1 Negative.

11. **Point No.2**: For the aforesaid discussion on point No.1, this Court proceeds to pass the following:

O R D E R

Memo filed by defendants is hereby dismissed.
For Further chief of DW1, If any.

Call on: 12-06-2025

ADDL. CIVIL JUDGE & JMFC
YADGIRI