

RCS No. 416/2015
Umakant Vs. Lalasaheb

ORDER BELOW EXH. 31

(Passed on 29th day of September, 2016)

01. Perused application and say filed by the defendants on the application itself. They have pleaded that the sale deed of the value above Rs. 100/- required registration under section 17(1) of the Indian Registration Act. But the sale deed is not registered. There is no provision in law to register the document through Collector. The said document cannot be read in evidence without registration. Hence, application be rejected.

02. Perused case record. The plaintiff has filed this suit for specific performance of contract and perpetual injunction. The plaintiff has already adduced evidence and now filed this application for impounding the document filed at serial No. 3 under list Exh. 5. The plaintiff has pleaded that it is an agreement to sale and as possession is delivered, said agreement needs to be impounded. On careful perusal of the disputed document, it reveals that it is titled as sale deed of land of mouje Mudgad (Ek.), Tq. Nilanga. The contents of the document also indicates that it is executed as a sale deed and the possession of the land is delivered to the purchaser. However, later on again it is sub-titled as Kabuliyatnama.

03. Learned counsel for defendants has submitted that the

disputed document is a sale deed and it is not registered, therefore, said document cannot be read in evidence. I am of the view that registration of document is a different fact than impounding the document. The document is to be impounded only for recovery of deficit stamp duty. Therefore, though the document is not registered, it can be impounded and deficit stamp duty can be recovered. Whether the document is legal and can be read in evidence is a question to be decided on merit. Considering above facts, I am inclined to hold that the plaintiff is entitled to relief as claimed in this application. Hence, the application is allowed. The document filed at serial No. 3 under list Exh. 5 is impounded. Said document be sent to the Collector (Stamps), Latur for recovery of deficit stamp duty and penalty.

Nilanga.
Dated : 29.09.2016.

Sd/-
(R. N. Barad)
Civil Judge Senior Division,
Nilanga.