



NC: 2026:KHC:17262
W.P. No.364/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.364/2022 (GM-CPC)

BETWEEN:

1. SRI. N. GIRISH
S/O SRI. NAGARAJ
AGED ABOUT 31 YEARS
RESIDING AT NO.1512
BSK 2ND STAGE
25TH MAIN ROAD
27TH CROSS ROAD
BANGALORE-560070.
2. SRI. V. NAGARAJ
S/O LATE VENKATAPPA
AGED ABOUT 64 YEARS
R/AT. MANDIBELE VILLAGE AND POST
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT.

...PETITIONERS

(BY SRI. THIMMEGOWDA N, ADV.,)

AND:

1. SMT. PADMAMMA
W/O MUNIRAJU REDDY
AGED ABOUT 53 YEARS.
2. SRI. MUNIRAJU REDDY
S/O RAMA REDDY
AGED ABOUT 67 YEARS.

Digitally signed
by ARSHIFA
BAHAR
KHANAM
Location: HIGH
COURT OF
KARNATAKA



3. SRI. RAGHU
S/O MUNIRAJU REDDY
AGED ABOUT 32 YEARS
ALL ARE R/AT. CHOKKANAHALLI VILLAGE
VIA SAMPIGEHALI
JAKKUR POST
YALAHANKA HOBLI
BANGALORE NORTH TALUK.

...RESPONDENTS

(BY SRI. BALAKRISHNA M.R. ADV., FOR R1 TO R3
SRI. SHIVAKUMAR D.M. ADV., FOR R2 & R3
[NOC NOT OBTAINED])

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DTD 27.08.2019, PASSED IN O.S.NO.295/2018, ON THE FILE OF THE III ADDL. CIVIL JUDGE, BANGALORE RURAL DISTRICT, AT BANGALORE, VIDE ANNEX-E BY ISSUANCE OF WRIT OF CERTIORARI & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 27.08.2019 passed in O.S.No.295/2018 by the III Additional Civil Judge, Bengaluru Rural District, Bengaluru.

2. Sri.Thimmegowda N., learned counsel for the petitioners submits that the petitioners filed a suit against



the respondents seeking ejectment of the 'B' schedule property. In the said suit, the petitioners produced a General Power of Attorney (GPA) dated 17.04.2010 at Annexure-A and the said document was impounded under the impugned order by directing the plaintiffs to pay a deficit stamp duty of Rs.1,12,388/- and penalty at 10 times on the said amount. It is submitted that the present suit is for ejectment and the plaintiffs are not relying on the GPA to claim any substantive relief. It is further submitted that pursuant to the GPA executed by respondent No.1 in favour of petitioner No.2, petitioner No.2 has executed a registered sale deed in favour of petitioner No.1 on 09.03.2011 and at the time of execution of sale deed, the stamp duty was paid. Accordingly, the impugned order calls for interference. It is also submitted that the said document can be considered for collateral purposes. In support of his contentions, he placed reliance on the decisions in ***S.Kaladevi***



***v.V.R.Somasundaram and Others¹,
Smt.Vijayalakshmi v. Sri.Nagaraju², Karar Ahmed v.
Sri.Rajanna and Others³and Sri.Venkoba Rao Pawar
v. Sri.S.Chandrashekar⁴*** and seeks to allow the petition.

3. Sri.Balakrishna M.R., learned counsel for respondent Nos.1 to 3 supports the impugned order of the trial Court and seeks to dismiss the petition.

4. I have heard the arguments on both the sides and meticulously perused the material available on record.

5. The petitioners are plaintiffs in O.S.No.295/2018. The said suit was filed against respondents seeking prayer to vacate and deliver the possession of the schedule 'B' property. It is to be noticed that during the course of evidence, the petitioners produced a GPA dated 17.04.2010 at Annexure-A, which came to be impounded by the trial Court on the ground

¹AIR 2010 SC 1654

²ILR 2011 KAR 594

³ILR 2009 KAR 2864

⁴WP.No.39435/2012 dated 02.07.2013



that the said instrument was insufficiently stamped. Admittedly, a perusal of the GPA indicates that the principal had authorized their agent to do acts including alienation of the schedule property by way of sale, mortgage, lease or otherwise and also to have a physical possession of the property. These recitals clearly indicate that an interest in the property was created in favour of the agent. The material on record further indicates that the said GPA dated 17.04.2010 was executed by respondent Nos.1 and 3 in favour of petitioner No.2 and on the strength of the said GPA, petitioner No.2 executed registered sale deed dated 09.03.2011 in favour of petitioner No.1. The plaint averments indicate that the plaintiffs are sourcing their title based on the GPA dated 17.04.2010 and consequential sale deed dated 09.03.2011. In that view of the matter, the trial Court was fully justified in coming to conclusion that the produced GPA dated 17.04.2010 was insufficiently stamped and executed on a stamp paper of Rs.112/- and the plaintiffs



are liable to pay the deficit stamp duty of Rs.1,12,388/- with a penalty at 10 times the said amount, amounting to Rs.11,23,880/- does not call for interference.

6. Learned counsel for the petitioners has placed reliance on the decision in ***S.Kaladevi*** referred supra. However, the said decision pertains to the provisions of Section 49 of the Registration Act, 1908; in the case on hand, the instrument in question is of deficit stamp duty. Similarly, in the case of ***Smt.Vijayalakshmi*** referred supra, the document in question was produced only to establish the factum of possession and not for any primary or substantive purposes. Hence, the ratio of the said decision is not applicable to the facts of the present case. The decision in ***Karar Ahmed*** referred supra, has also no application to the facts and circumstances of the case on hand. In the case of ***Sri.Venkoba Rao Pawar*** referred supra, the Court taking note of the instrument in question which was described as a possession certificate, held that the said document was produced in the evidence for a



collateral purpose to establish that the vendor and the previous purchaser were in continuous possession. However, in the present case, the plaintiffs are sourcing their title based on the GPA dated 17.04.2010 and therefore, the document is not relied upon merely for a collateral purpose. In view of the above, the aforesaid decisions have no application to the case on hand.

7. The trial Court, having regard to the effect of Article 41(e) of the Karnataka Stamp Act, 1957, has rightly concluded that the GPA dated 17.04.2010 is insufficiently stamped and has properly impounded the said document, directing payment of the requisite duty and penalty. In my considered view, the said order does not call for any interference. The writ petition is devoid of merits and is accordingly ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 21