

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3285/2025

Anil Kumar Purohit S/o Late Sh. Radha Kishan Purohit, Aged
About 62 Years, R/o 3/102, Jawahar Nagar, Jaipur

---Defendant No.2-Petitioner

Versus

1 Ashok Kumar Purohit S/o Sh. Radha Kishan Purohit Ji,
Aged About 66 Years, R/o House No. 3/102, Jawahar
Nagar, Jaipur, Presently Residing At House No. B-36, Anita
Colony, Bajaj Nagar Jaipur (Raj.) (As Per Title Of Complaint)
.....Plaintiff-Respondent

2 Radha Kishan (Radha Krishan) Purohit S/o Late Sh. Bhura
Mal Ji Purohit, Aged About 84 Years, R/o 3/102, Jawahar
Nagar, Jaipur, Presently Residing At B-36, Anita Colony,
Bajaj Nagar Jaipur (Deceased)- Represented By

2.1 Smt. Shanti Devi Purohit W/o Late Sh. Radha Kishan
Purohit, R/o 3/102, Jawahar Nagar, Jaipur, Presently
Residing At B-36, Anita Colony, Bajaj Nagar Jaipur.

3 Smt. Asha Purohit W/o Sh. Satya Narayan Purohit D/o
Late Sh. Radha Kishan Purohit, R/o 10/897, Malviya
Nagar, Jaipur.

4 Smt. Aruna Pareek W/o Sh. Ashok Pareek D/o Sh. Radha
Kishan Purohit, R/o F-12, Vinay Path, Todarmal Marg,
Banipark, Jaipur

---Defendants-Respondents

For Petitioner(s)	:	Mr. Lakshya Kumar Sharma
For Respondent(s)	:	Mr. Kapil Gupta Mr. K.D.Mathur, Mr. Vipul Ojha for Mr. Prateek Kedawat

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

23/02/2026

1. With the consent of both parties, the present writ petition is
disposed of in the following terms:

(i) The orders dated 05.12.2024 and 18.01.2025
are hereby set aside.

(ii) The learned Trial Court is directed, in the first
instance, to determine the sufficiency of the stamp

duty payable on the disputed agreement, having due regard to the nature and character of the document.

(iii) If the learned Trial Court finds that the document is duly and sufficiently stamped, it shall pass an appropriate order in accordance with law.

(iv) However, if the learned Trial Court finds that the document is not duly or sufficiently stamped, it shall impound the same and transmit it to the competent authority under the Rajasthan Stamp Act, 1998, for proper adjudication and payment of the requisite stamp duty.

(v) Thereafter, upon recording its finding regarding the sufficiency of the stamp duty, or after impounding and compliance as aforesaid, the learned Trial Court shall proceed to consider and decide the issue as to whether the document is compulsorily registrable, and shall pass a reasoned and appropriate order in accordance with law.

(vi) It is made clear that the determination of stamp duty shall be strictly based on the nature, contents, and recitals of the document in question.

2. Pending application(s), if any, also stands disposed of.

(BIPIN GUPTA),J