

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4924/2026

Shri Madan Singh S/o Shri Ramchandra Singh

-----Petitioner

Versus

Shri Kedarmal S/o Ram Swaroop

-----Respondent

For Petitioner(s) : Sh. Aman Khandelwal

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA
Order

18/03/2026

1. The present writ petition has been filed assailing the order dated 18.02.2026 passed by the learned Civil Judge-cum-Judicial Magistrate, Neemkathana, in CIS No. 2609/2014, whereby the learned Trial Court, on an application filed by the defendant-respondent, held that the document which had already been exhibited shall not be read in evidence unless it is duly stamped.

2. Learned counsel for the petitioner submits that once the document had been exhibited, the learned Trial Court had no jurisdiction to decline reading the said document in evidence, as any objection regarding the sufficiency or insufficiency of stamp duty ought to have been raised prior to the exhibition of the document.

3. He further submits that once a document has been exhibited, no objection as to the sufficiency or insufficiency of stamp duty can be raised thereafter.

4. Heard.

5. This Court finds that the learned counsel for the petitioner is correct to that extent. However, this Court also observes that

whenever an insufficiently stamped document comes before a Court, even if it has already been exhibited, the same can still be impounded and sent to the competent authority for proper valuation and determination of the requisite stamp duty, in accordance with law.

6. In view of the facts and circumstances of the case, this Court deems it appropriate to direct the learned Trial Court to impound the document in accordance with the provisions of the Rajasthan Stamp Act, 1998, and thereafter forward the same to the competent authority, i.e., the Collector (Stamps), for the purpose of valuation of the document and payment of the appropriate stamp duty.

7. Insofar as the issue is concerned that the Trial Court, after exhibiting the document, has held it to be inadmissible in evidence, this Court finds such an approach is not incorrect. Accordingly, this Court deems it appropriate to stay the operation of the impugned order dated 18.02.2026.

8. Let notices be issued to the plaintiff-respondent No. 1 to 7. Rule is made returnable within four weeks.

9. The petitioner is directed to place this order before the learned Trial Court for the purpose of impounding the document and forwarding the same to the competent authority for the assessment and payment of the requisite stamp duty.

10. List this matter after four weeks.

(BIPIN GUPTA),J