HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21971/2017

Smt. Meena Jain Wife Of Shri Subhash Jain, By Caste- Jain, Resident Of Agra Gate, Out, Ajmer, At Present Resident Of 573/26 Shanti Pura, Vaishali Nagar, Ajmer.

----Petitioner

Versus

1. Shri Kavindra Gupta Son Of Late Shri Chandra Pal Gupta
2. Shri Vipin Gupta Son Of Late Shri Chandra Pal Gupta
3. Shri Chandrapal Gupta S/o Sh. Pahlu Ram Gupta, All Resident Of Near Shiv Temple, Baldev Nagar, Makadwali Road, Ajmer.
4. Urban Improvement Trust, Ajmer Now Ajmer Development Authority, Ajmer.

----Respondents

For Petitioner(s)	:	Mr. M M Ranjan Sr. Adv. Mr. Rahul Agrawal Mr. Samar Pratap Singh
For Respondent(s)	:	Mr. R.K. Mathur Sr. Adv. With Mr. Aayush Goyal, Mr. Deependra Yadav Ms. Shikha Parnami

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

25/03/2026

1. Both the parties are *ad-idem* on the settled principle of law that in a case of specific performance, an unregistered document is admissible in evidence as per Section 49 of the Registration Act, 1908 (hereinafter referred to as the 'Act of 1908'). Therefore, it is held that the document is admissible under Section 49 of the Act of, 1908.

2. Both the parties are further in agreement that if the document is insufficiently stamped, the same is required to be impounded and sent to the Competent Authority for the purpose of valuation of the instrument as well as for payment of the stamp duty. Therefore, the Trial Court is directed to impound the agreement to sell and send it to competent authority.

3. Furthermore, the petitioner has expressed an apprehension that the Competent Authority may impose the stamp duty as per the present date. Both the parties further pray that a direction may be issued to the learned Trial Court to decide the suit as expeditiously as possible, since it has been pending since 2001.

4. It is a settled principle of law that the agreement on which stamp duty is payable has to be considered as per the date on which the agreement was executed. Further, if the sale deed takes place in compliance with any decree, then the date of the sale deed is relevant for the purpose of determination of stamp duty. Additionally, in view of the innocuous prayer made, learned Trial Court is expected to decide the suit as expeditiously as possible.

5. With the above observations, the present civil writ petition stand disposed of.

6. All pending application stand disposed of.

(BIPIN GUPTA),J

KRATIKA /71