

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5130 OF 2005

A.Rama Rao & Ors.  
VERSUS  
Raghu Nath Patnaik & Ors.

...Appellants  
...Respondents

O R D E R

Having heard the learned counsel for the parties and after going through the impugned Judgment and also the order of remand passed by this Court by keeping the appeal pending in this Court, we are of the view that the conclusion arrived at by the High Court on the question of service of notice having been refused by the defendants/appellants was correctly arrived at and there is no need to interfere with such finding of the High Court in the exercise of our discretionary power under Article 136 of the Constitution. So far as the question of Stamp Duty is concerned, we are of the view that in a suit for specific performance based on the application for agreement for sale, no Stamp Duty is required to be paid under Section 2 (14) of the Indian Stamp Act, in view of the fact that the amendment made in the relevant statute would not be applicable in the present case. So far as the submission of Mr. Bhagat, learned senior counsel for the appellant, on grant of decree under Section 20 of the Specific Relief Act is concerned, we are not in a position to permit Mr. Bhagat to argue such question when there was no foundation of the

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argument whatsoever before the two Courts below. No other point was raised by the learned counsel for the parties.

We do not find any merit in this appeal. Therefore, the appeal is dismissed. There will be no order as to costs.

.....J.  
[Tarun Chatterjee]

New Delhi;  
October 22, 2009.

.....J.  
[Dr. B.S.Chauhan]

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ITEM NO.107

COURT NO.3

SECTION XIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 5130 OF 2005

A. RAMA RAO & ORS.

Appellant (s)

VERSUS

RAGHU NATH PATNAIK & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record  
and exemption from filing O.T. and with prayer for interim relief  
and office report)

Date: 22/10/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE  
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Appellant(s) Mr. Vinoo Bhagat, Adv.  
Mr. Rutwik Panda, Adv.

For Respondent(s) Mr. M.C. Dhingra, Adv.  
Mr. Gaurav Dhingra, Adv.

Mr. Sanjay Jain, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed order. There  
will be no order as to costs.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master

( Signed order is placed on the file )