

THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO

CIVIL REVISION PETITION No.169 of 2022

ORDER:-

The respondent herein had filed O.S.No.12 of 2020 before the Senior Civil Judge, Atmakur, SPSR Nellore District, against the petitioner, for eviction and recovery of damages for use of the suit schedule property. The petitioner herein had sought to mark an agreement of sale dated 27.09.2003 as part of his defense. At that stage, the said document was impounded and sent by the trial court to the District Registrar, Nellore for fixing the stamp duty and penalty payable on the document under section 40 of the Indian Stamp Act, 1899 [for short "the Act, 1899"]. Thereafter, a stamp duty and penalty of Rs.6,50,000/- was fixed by the District Registrar, Nellore and the document was sent back to the trial court. At that stage, the petitioner had filed I.A.No.316/2021 under Section 151 of Code of Civil Procedure, 1908 seeking a direction from the trial court to send the signature of sale deed dated 27.09.2003 to the District Registrar, Nellore again for levy of stamp duty and penalty afresh.

2. This application is dismissed by the trial court, by an order dated 15.12.2021 holding that a person aggrieved by the fixation of stamp duty and penalty under Section 40 of the Act, 1899 and file a revision to the Chief Controlling Revenue officer in terms of Section 56 and 57 of the Act,1899.

3. Aggrieved by the said order, the petitioner had approached this court, by way of the present Civil Revision Petition.

4. As rightly pointed out by the trial court, the remedy against any grievance relating to fixation of stamp duty and penalty would only be a revision before the Chief Controlling Revenue Authority and the trial court would have no role in the fixation of the stamp duty or penalty.

5. In these circumstances, I do not find any reason to interfere with the order of the trial court.

6. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, in this petition, shall stand closed.

JUSTICE R.RAGHUNANDAN RAO

Date: 02.02.2022

BSM

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