

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 7<sup>TH</sup> DAY OF SEPTEMBER, 2011

BEFORE

THE HON'BLE MR.JUSTICE K.SREEDHAR RAO

**WRIT PETITION NO: 9587/2011 (GM-CPC)**

BETWEEN:-

M/S. NETWORTH STOCK BROKING LIMITED,  
A PUBLIC LIMITED COMPANY  
NOW HAVING ITS  
REGD. OFFICE AT 2<sup>ND</sup> FLOOR,  
D.C. SILK MILLS COMPOUND,  
KONDIVITA ROAD,  
ANDHERI (EAST),  
MUMBAI - 400 053,  
HAVING ITS BRANCH OFFICE AT  
NO.784, 1<sup>ST</sup> FLOOR,  
9<sup>TH</sup> 'A' MAIN,  
INDIRANAGAR, 1<sup>ST</sup> STAGE,  
BANGALORE 560 038,  
DULY REP. BY A. SRIDHAR,  
AVP SALES (SOUTH REGION).

(BY SRI B.S. SATYANAND, ADVOCATE)

PETITIONER

AND:-

1. MR. AJIT KOTHANETH,  
AGE: 64 YEARS,  
S/O LATE K.N. KOTHANETH,
2. MRS. KAMALAKSHMI KOTHANETH,  
AGE: 61 YEARS,  
W/O.MR AJIT KOTHANETH



R1 & R2 ARE R/AT.NO.80,  
3<sup>RD</sup> CROSS, LAVELLE ROAD,  
BANGALORE 560 001

3. MR. GOPAL RANJIT MOHAN,  
AGE: 59 YEARS,  
S/O.LATE RAMAN GOPAL,
4. MRS VIDYA MOHAN,  
AGE: 53 YEARS,  
W/O.GOPAL RANJIT MCHAN,

R3 & R4 ARE R/AT NO.631,  
5<sup>TH</sup> MAIN ROAD,  
INDIRANAGAR, 2<sup>ND</sup> STAGE,  
BANGALORE 560 038.

RESPONDENTS

(BY SRI M/S. GIRIDHAR & CO., ADVOCATES)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA WITH A PRAYER TO QUASH OR SET ASIDE THE IMPUGNED ORDERS PASSED BY THE LEARNED 26<sup>TH</sup> ADDITIONAL CITY CIVIL JUDGE AT BANGALORE, MAYO HALL, DTD 26.2.2011 IN O.S.25923 OF 2009 PRODUCED AT ANNEX-C IN SO FAR AS IT RELATES TO MARKING OF THE DOCUMENT STYLED AS LEAVE & LICENSE AGREEMENT, EXHIBIT D-1 AND ETC.

This petition is coming for preliminary hearing on this day, the Court made the following:-

**ORDER**

In further examination-in-chief of DW1, leave and license agreement is sought to be marked. The plaintiff objected to mark the documents on the ground that it is insufficiently stamped. The trial court rejected the objection



on the ground that the Sub-Registrar had adjudicated the stamp duty and collected the same. Therefore, holds that objection does not sustain. The reasons given by the trial court are untenable. The Sub-Registrar has no jurisdiction to adjudicate the stamp duty. The District Registrar is the competent authority. The petitioner has also produced information given under RTI Act with the documents in question which attracts the stamp duty of Rs.5,20,000/-. Whereas the certificate produced by the plaintiff shows that an amount of Rs.19,400/- is paid. In any way, the Sub-Registrar has no jurisdiction to collect stamp duty and penalty in the light of the observation made by this Court in W.P.No.8892/2010. The trial court shall dispose of the objection with regard to stamp duty. The writ petition is disposed of.

Sd/-  
JUDGE

NM