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CR-2714-2025 (O & M)

BALWINDER KAUR V/S JASVIR SINGH AND ANOTHER

Present: Mr. Navjot Singh Wahniwal, Advocate
for the petitioner.

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It is *inter alia* submitted by learned counsel for the petitioner/plaintiff that vide the order dated 07.11.2024 (Annexure P-1), the application filed by the respondent No.1/defendant No.1 under Sections 33, 35 and 36 of the Indian Stamp Act for impounding the Agreement to Sell dated 20.6.2019 (Ex.P-1) being deficient in Court fee, has been allowed. Learned counsel submits that the said Agreement already stood exhibited on 11.1.2023 and the same was tendered in the examination-in-chief of the PW1-Major Singh without any objections from the defendants. Subsequently, PW1 was even cross-examined by the defendants in respect of the said Agreement on 15.9.2023. It is submitted that the present application has been filed only on 1.4.2024. Learned counsel has relies upon *Preetjot Kaur and another vs. Hardeep Singh and another 2025(1) Law Herald 886 Law Finder Doc Id#2717761* wherein it has been held that once a document has been exhibited in evidence without objections, deficiency in stamp duty cannot be raised subsequently and Section 36 debars the Court from questioning such instruments. Learned counsel submits that the said objection cannot be raised by the respondents at the belated stage.

Notice of motion for 25.8.2025.

Meanwhile, operation of the impugned order shall remain stayed till the next date of hearing.

May 05, 2025
Vijay Asija

(NIDHI GUPTA)
JUDGE