



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. **CR-5803-2025 (O&M)**
Reserved on :-12.02.2026
Date of Pronouncement:-16.02.2026
Uploaded on:-16.2.2026

Shri Kaushal Kumar Datta

... Petitioner

Versus

Smt. Kaushalya Devi (Deceased) through LRs.

... Respondents

2. **CM-16877-CII-2025 in**
CR-5496-2025 (O&M)

Shri Rakesh Nandra

... Petitioner

Versus

Smt. Kaushalya Devi (Deceased) through LRs.

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Ravinder Rana, Advocate
for the petitioners.

Dr. Sumati Jund, Advocate and
Mr. Rahul Saini, Advocate
for the respondents.

VIRINDER AGGARWAL, J.

1. The petitioner instituted Civil Revision No. CR-5803-2025, impugning the order dated 25.05.2025, whereby the learned Trial Court



dismissed the application seeking impounding of the rent deed on the ground of deficient stamping and same being unregistered.

2. Succinctly stated, the respondent–plaintiff instituted a suit for ejectment and possession against the petitioner. During the pendency of the said suit, the respondent–plaintiff placed on record a rent deed. The said instrument was admittedly unregistered and, as alleged, insufficiently stamped. The petitioner accordingly moved an application praying that the rent deed be impounded, contending that the same was in contravention of Section 17 read with Section 49 of the Registration Act, 1908 as well as the provisions of the Indian Stamp Act, 1899. A specific prayer was made that the document be impounded and that the requisite stamp duty, along with the applicable penalty, be directed to be recovered in accordance with law.

3. Upon issuance of notice, the respondent entered appearance through learned counsel and contested the petition.

4. I have heard the learned counsel appearing on behalf of the respective parties at length and have meticulously perused the entire paper-book.

5. After hearing the parties, the learned Civil Judge disposed of the application by primarily advertng to the effect of the document being unregistered. The impugned order, in its relevant extract, reads as under:-

After hearing the learned counsels for the parties and perusing the case-file carefully, this court is of the considered view that nothing is denied by the defendant qua his possession over the portion of 250 sq. yard at Farm House No. 300, Mauli Jagran, UT, Chandigarh and it is also not denied that the defendant entered into this portion in view of the Rent Deed Ex.PW1/1 dated 29.09.2015 and it was for 2 years, which was to



be started from 01.10.2015 to 30.09.2017 and this Rent Deed is to be read for the collateral purposes that to corroborate the factum that the defendant is in possession over the land in question and it is also not denied by the respondent that the plaintiff is the landlady of defendant and he paid rent to her qua the land in question under his possession, so, it appears that the present application has been just move to further delay the decision of the case and nothing else accordingly, the present application is hereby dismissed, being devoid of merits and there is no requirement to impound the present rent deed, which is only to be read only for collateral purposes and when the factum of possession in view of the rent deed Ex.PW1/1 has not been denied by the defendant. Now, the case is adjourned to 25.07.2025 for arguments on the application under Order 6 Rule 17 of CPC for amendment of written statement.

6. The impugned order has been rendered by the learned Civil Judge by confining consideration solely to the objection pertaining to the document being unregistered, as raised in the application. However, no finding whatsoever has been recorded with respect to the specific and substantive plea that the document in question was insufficiently stamped and, therefore, liable to be impounded in accordance with the mandatory provisions of the Indian Stamp Act, 1899.

6.1. The order is conspicuously silent on the statutory obligation to impound an instrument not duly stamped, as well as on the consequential requirement of directing payment of the deficient stamp duty together with the prescribed penalty, in terms of the said enactment. The relevant extract of the impugned order is reproduced here-in-below:-

“Arguments heard on the application for impounding the Rent Deed under Section 17 read with 49 of Registration Act, 1908.



It is submitted that the plaintiff has filed the present civil suit on the basis of Lease Deed cum Rent Deed Ex.PW1/1, which is dated 29.09.2015 and this Rent Deed for the period of 2 years i.e. was to be started from 01.10.2015 to 30.09.2017 and this Rent Deed was not registered as per provisions of registration act as it creates right in favour of plaintiff regarding the tenanted premises and claiming rent. Since the Rent Deed Ex.PW1/1 is unregistered document it may kindly be impounded and in this regard, reliance has been placed upon the Judgments titled as Sucha Singh Sidhu @ Amit Sidhu Vs. Chamkaur Singh CR-519 of 2018(O&M) D/d 03.04.2024, Hira Lal Vs. Satnam Singh CR No. 6149 of 2016(OM). D/d 2.12.2019 and M/s. Viku-J-India Crafts Pvt. Ltd. Vs. M/s. Emm Aar Appliances CR No. 3687 of 2014. D/d 09.02.2023 passed by Hon'ble Punjab and Haryana High Court, Legal Heirs of Smt. Munki Devi W/o Shri Udailal Choudhary Vs. Arvind S/o Shri Navratnamal Choudhary 2018(4) RLW 3278 and Om Prakash Sharma Vs. Paras Mal Jain 2015(4) DNJ 1474 passed by Hon'ble Rajasthan High Court.

On the other hand, the learned counsel for the plaintiff submitted that the contentions of the applicant/defendant are nowhere sustainable as admittedly that the period has already expired which is mentioned in the Rent Deed dated 29.09.2015 and moreover, it is not disputed by the defendant he is not tenant in the tenanted premises i.e. area 250 sq. yard approximately in Farm House No. 300, Mauli Jagran, UT, Chandigarh and the present civil suit has been filed for the ejectment of defendant and in his written statement, he duly admitted the rate of rent settled as per the Rent Deed Ex.PW1/1 and moreover, now, this Rent Deed is to be read for collateral purposes and in this regard he placed reliance upon the Judgment titled as Vijay Kumar vs. Mahesh Kumar 2004 (4) RCR (Civil) 691.



After hearing the learned counsels for the parties and perusing the case-file carefully, this court is of the considered view that nothing is denied by the defendant qua his possession over the portion of 250 sq. yard at Farm House No. 300, Mauli Jagran, UT, Chandigarh and it is also not denied that the defendant entered into this portion in view of the Rent Deed Ex.PW1/1 dated 29.09.2015 and it was for 2 years, which was to be started from 01.10.2015 to 30.09.2017 and this Rent Deed is to be read for the collateral purposes that to corroborate the factum that the defendant is in possession over the land in question and it is also not denied by the respondent that the plaintiff is the landlady of defendant and he paid rent to her qua the land in question under his possession, so, it appears that the present application has been just move to further delay the decision of the case and nothing else accordingly, the present application is hereby dismissed, being devoid of merits and there is no requirement to impound the present rent deed, which is only to be read only for collateral purposes and when the factum of possession in view of the rent deed Ex.PW1/1 has not been denied by the defendant. Now, the case is adjourned to 25.07.2025 for arguments on the application under Order 6 Rule 17 of CPC for amendment of written statement.”

7. This Court, while adjudicating Civil Revision No. CR-5496-2025, vide order dated 19.08.2025, allowed the said revision petition and set aside the impugned order. The learned Trial Court was directed to afford an opportunity of hearing to the parties and to decide the application afresh, comprehensively and in accordance with law, covering all aspects raised therein.

8. An application bearing CM-16877-CII-2025 in CR-5496-2025 (O&M) has thereafter been moved by the respondent–petitioner seeking clarification and/or modification of the order dated 19.08.2025.



9 The aforesaid application is being taken up and disposed of along with the present revision petition. It is clarified that the learned Civil Judge, while passing the impugned order, confined consideration only to one of the grounds urged in the application, namely, the objection regarding the document being unregistered. The distinct and independent plea that the document was insufficiently stamped and thus liable to be impounded under the provisions of the Indian Stamp Act, 1899, was neither adverted to nor adjudicated upon.

10. In view of the aforesaid omission, the impugned order cannot be sustained. Consequently, the revision petition stands allowed and the impugned order is set aside. **CM-16877-CII-2025** stands disposed off as specific scope of rehearing has been elaborated in the following manner.

10.1. The learned Trial Court is directed to reconsider and decide the application afresh, after affording due opportunity of hearing to both parties, and to render specific findings on each of the pleas raised, including **(i)** the effect of non-registration of the document, and **(ii)** the objection regarding deficiency of stamp duty and the consequential requirement of impounding and imposition of statutory penalty, strictly in accordance with law.

11. Since the principal matter has now been adjudicated and stands finally disposed of on merits, all ancillary, interlocory, or pending application(s), if any, shown to be subsisting on the record, shall, by necessary implication, also stand disposed of, no separate orders being required thereon.

CR-5803-2025 (O&M) &
CM-16877-CII-2025 in
CR-5496-2025 (O&M)

-.7:-

2026:PHHC:023573



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12. A photocopy of this order be placed on the connected file for ready reference and for compliance, if any.

16.02.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No