

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No.22139/2018

1. Jagdish Son Of Ram Sahai, Aged About 54 Years,
2. Babulal @ Babu Ram S/o Ram Sahai, Aged About 64 Years,
3. Gangaram S/o Ram Sahai, Aged About 74 Years,
4. Murli S/o Ram Sahai, Aged About 59 Years,
5. Sarti Devi D/o Ram Sahai, Major,
All by Caste Gurjar, Resident Of Raghunathpura @ Tala Ka Bas, Tehsil Virat Nagar, District Jaipur (Raj.)

----Petitioners

Versus

1. Suwaram Son Of Shri Nathuram, Since Deceased Through His Legal Heirs
 - 1/1. Kailash Son Of Late Shri Suwaram,
 - 1/2. Om Prakash, Son Of Late Shri Suwaram,
 - 1/3. Bhinwaram, Son Of Late Shri Suwaram,
 - 1/4. Dhana Ram, Son Of Late Shri Suwaram,
 - 1/5. Chidiya, Daughter Of Late Shri Suwaram,
 - 1/6. Bili, Daughter Of Late Shri Suwaram,
 - 1/7. Sajna, Daughter Of Late Shri Suwaram,
 - 1/8. Geeta, Daughter Of Late Shri Suwaram,
 - 1/9. Mali, Daughter Of Late Shri Suwaram,
- 1/10. Shanti Devi W/o Late Shri Suwaram,
All Majors, By Caste Gurjar, Resident Of Raghunthpura @ Taluka Bas, Tehsil Viratnagar, District Jaipur (Raj.)
2. Sub-Registrar And Tehsildar, Office Viratnagar, District Jaipur.
3. State Of Rajasthan, Through District Collector, Jaipur, Office, Collectorate Compound, Bani Park, Jaipur City, Jaipur (Raj.)

----Respondents

For Petitioner(s) : Mr.Prem Kumar Sharma.

HON'BLE MR. JUSTICE ALOK SHARMA

Order

29/09/2018

The petitioners-defendants (hereinafter 'defendants') are aggrieved of the order dated 21.08.2018 passed by the Civil Judge, Virat Nagar, District Jaipur in Civil Suit No.3/2015 dismissing an application to allow exhibiting of an unstamped document for admission in evidence.

Section 40 of the Rajasthan Stamp Act, 1998 which reads as under:-

Admission of instrument, where not to be questioned.— Where an instrument has been admitted in evidence, such admission shall not, except as provided in Section 71, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

I find no perversity in the discretion exercised by the trial court. There is an absolute prohibition in law in the exhibiting of unstamped documents and their admission in civil proceedings. The defendant's application to so do was absolutely misdirected and hence rightly dismissed. The impugned order suffers neither from any patent illegality, misdirection in law or error of jurisdiction to warrant interference by this court under Article 227 of the Constitution of India.

I therefore find no force in the petition. Dismissed.

(ALOK SHARMA),J