

In Re: Reference Under Section 49 of the Stamp Act

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SooperKanoon Citation : sooperkanoon.com/775473

Court : Chennai

Decided On : Jan-28-1884

Reported in : (1883)ILR7Mad385

Judge : Charles A. Turner, Kt., C.J., ;Kernan, ;Kindersley, ;Muttusami Ayyar and ;Hutchins, JJ.

Appellant : In Re: Reference Under Section 49 of the Stamp Act

Judgement :

Charles A. Turner, Kt., C.J., Kernan, Kindersley, Muttusami Ayyar and Hutchins, JJ.

1. We are of opinion that the exhibit II, with its supplement exhibit III, is not an award nor a partition deed, but it is a note that a certain property had, on partition, been allotted for the maintenance of parents, and a memorandum of the particulars of property which had, on partition, fallen to the share of one of the brothers. It does not of itself operate to release the joint interests of the other parties to the partition and create a sole interest in the person whose share it records. It is, however, also accompanied by an agreement for the future division of outstandings. The document should in respect of this agreement have borne an agreement stamp, and before it can be received in evidence the penalty due on an unstamped agreement must be levied and paid.