

In Re: Reference Undera Stamp Act, Section 46

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SooperKanoon Citation : sooperkanoon.com/788434

Court : Chennai

Decided On : Dec-17-1894

Reported in : (1895)ILR18Mad233

Judge : Arthur J.H. Collins, Kt. C.J.,; Muttusami Ayyar and ;Parker, JJ.

Appellant : In Re: Reference Undera Stamp Act, Section 46

Judgement :

1. We are of opinion that the deed is not an instrument of partition within the meaning of Section 3, Clause 11 of the Stamp Act since it is not a deed by which co-owners agree to divide the property in severalty. It is a deed by which one co-owner renounces his claim for partition against the family property in consideration of a certain income to be enjoyed by him for his life out of certain lands over which he has no power of alienation. The case is similar to Eknath Section Gownde v. Jagannath S. Gownde I.L.R. 9 Bom. 417

2. We are of opinion that the deed is a release and should be stamped under schedule I, Article 54 of the Stamp Act.