

In Re: Reference Under Stamp Act, Section 49

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SooperKanoon Citation : sooperkanoon.com/794725

Court : Chennai

Decided On : Aug-09-1892

Reported in : (1893)ILR16Mad419

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

Appellant : In Re: Reference Under Stamp Act, Section 49

Judgement :

1. The deed is not an instrument of gift but purports to transfer to Chidambaram Pillai the property of the executant's husband, subject to the payment of his debts. It also purports to reserve 1/4 cawni for the maintenance of the executant and provides for the re-transfer of the property in case she should give birth to a son. There is nothing to show that the value of the interest transferred exceeded Its. 64. The value of the property cannot be taken as the value of the interest actually transferred. We are unable to hold that the document is liable to stamp duty.