

MEMBERS OF THE BOARD OF REVENUE (LR) THIRUVANANTHAPURAM?
(Present: Dr.D.Babu paul, Member, Board of Revenue)
No.D.Dis.21552/92/LR13. Dated 22.10.1992.

Sub:- Impounded document No P4/91 of Sub Registry Office,
Chala - Reference under section 54 (2) of the Kerala
Stamp Act - regarding.

Read:- 1. Report No.I2.12409/91 dated 29.5.1992 of the District
Registrar (General) Thiruvananthapuram .
2. Report No.R.R.4.23842/92 dated 25.6.92.of the
Inspector General of Registration.

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The District Registrar(General) Thiruvananthapuram has
referred an impounded document No.P4/91 of Sub Registry Office,
Chala, under section 54 (2) of the Kerala Stamp Act for the
decision of the Board of Revenue regarding the nature of the
document and stamp duty payable thereon.

The document under reference has been styled as a reconveyance
of mortgaged property on stamp paper worth Rs.150/-

As per a deed hypothecation No.219/86 of Sub Registry Office,
Chala, Shri. runachalam Pillai had mortgaged the schdule properties
to one Shri.Ranknabehand Lodha, veerappan street, Sowcerpt.
Madras, TamilNadu a financier for a loan of Rs.50,000/-
The loan amount with interest of Rs.11,000/- has been fully repaid
so as to redeem the mortgage right held by Sri.Rikhabehand Lodha,
the deed under reference has been executed the mortgage right is
deemed in favour of the legal heirs of Shri.runachalam Pillai.

The Sub Registrar, Chalai, who impounded the document is of
the opinion that the document is a release deed falling under
Article 48(b) of the schedule to the Kerala Stamp Act. The
District Registrar(General) Thiruvananthapuram also felt ~~that~~ (X)
~~The~~ Inspector General of Registration is of the opinion that the
document is a reconveyance of mortgaged property falling under Article
47 (b) of the schedule to the Kerala Stamp Act, because it is only
a redemption of simple mortgage.

The matter to be decided is whether the impounded document
is a release deed or a reconveyance of mortgaged property , for
the purpose of stamp duty.

On a similar case when the Board of Revenue referred to
the Hon.High Court, the High Court in C.M.Ref.23/85 dated
17.2.1986 have held that the document is a reconveyance of
mortgaged property falling under Article 47 (b) of the schedule
to the Kerala Stamp Act.

In the circumstances, the Board of Revenue agrees with the
views of the Inspector General of Registration and held that
the impounded document No.P4/91 of Sub Registry Office, Chala
is a reconveyance of mortgaged property falling under Article 47 (b)
of the schedule the the Kerala Stamp Act for the purpose of stamp duty.

(By order)

Sd/..

Secretary. Contd....2.

Reconveyance. Mortgaged
(copy 4 dist
closed)

(X) doubt on the nature of the document