

no. 16/85. 5/11/85

PROCEEDINGS OF THE BOARD OF REVENUE(L R)

D.Dis.39565/83/LR(A)3.

Trivandrum dt 9.8.1984.

Sub:-Doct. No.P2/83 of Sub Registry Office, West Hill -  
Reference under Section 54(2) of the Kerala Stamp Act  
1959 - Nature of document decision communicated.

Read:-1. Cl.2734/83 dt 23.6.83 from the District Registrar(G)  
Kozhikode.  
2. Report No.Ins.4.23026/83 dt 19.9.83 from the I.G.of  
Registration, Trivandrum.

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The District Registrar(GI)Kozhikode in his report,  
read above has forwarded a copy of impounded document No.P2/83  
of Sub Registry Office, West Hill through the Inspector General  
of Registration under section 54(2) of the Kerala Stamp Act 1959  
for the decision of the Board regarding nature of the document  
and stamp duty payable thereon.

2. The document in question is styled as a release deed  
to a co-owner for Rs.60,000/- and is executed on stamp paper  
worth Rs.30/- only. The properties in question mentioned in the  
document are under the possession of the executants and the late  
Shri.P.N.Kanarakutty, the father of 1st to 7 claimants and the  
husband of the 8th claimant as per the partnership deed dated  
1.10.1970. The claimants got right over the properties by inher-  
itance. Thus the executants and claimants are co-owners. It  
is stated in the document that a partnership firm names "the  
"Neo Textiles" has been registered on 1.10.1970 and the executants  
of the document who were the partners of the said firm purport  
to release the rights in the firm to the legal heirs of the  
deceased partner for a consideration of Rs.60,000/- after settle-  
ing the accounts. The District Registrar is of the opinion that  
the document is a conveyance for Rs.60,000/- assessable to stamp  
duty under articles 22 of the schedule to the Kerala Stamp Act  
on the ground that there is no partnership among the partners  
according to the partnership Act. The District Registrar(Audit)  
is of the view that the document is a release and a dissolution  
of partnership chargeable with aggregate amount of the duties  
under Article 43 and 45 of the Schedule to the Act respectively.  
The Inspector General of Registration had held that the document  
is a release deed only.

The Board has perused the reports and records of the case.  
The document does not convey or transfer any right. Hence it  
cannot be treated as a conveyance. The executants only release  
their share in the firm in favour of the legal heirs of the  
deceased partner for a consideration of Rs.60,000/-. In a similar  
case considered in Board's Proceedings D.Dis.6398/79/LR(A) 3  
dated 5.12.1980 the document was held to be a deed of release.



In the circumstances, the Board agrees with the views of the Inspector General of Registration and holds that the document No.P2/83 of Sub Registry Office, West Hill is a release deed only falling under Article 48 of the Schedule to the Kerala Stamp Act, 1959.

Sd/-  
Secretary.

(True Copy)

Sd/-  
for Director of Registration.

Andt.No.Ins.3.12300/84 Office of the District Registrar(GI)  
Alleppey, Dt 17.12.1984.

Copy communicated for information and necessary action.  
Please acknowledge receipt.

~~District Registrar(GI)  
Alleppey.~~

To

All Sub Registrars

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*Acknowledged*

*J*

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16/12/84*