

APPELLATE CIVIL.

FULL BENCH.

Before Sir Charles Sargent, Knight, Chief Justice, Mr. Justice Kemball, and
Mr. Justice West.

NA'RA'YAN RAGHUNA'TH POTNIS, PLAINTIFF, v. KA'SHINA'TH
VIDYA'DHAR, DEFENDANT.*

1884
February 6.

*Partition—Stamp Act X of 1862, Sch. A, Art. 54—Deed of partition—Each
sharer's copy of an instrument.*

Under Act X of 1862, Sch. A, art. 54, each sharer's copy means each sharer's part as exemplification of an instrument executed in duplicate, triplicate, &c.

Where a document, bearing the date June, 1863, and purporting to be a deed of partition between two brothers, was unstamped,

Held that it should be stamped as each sharer's copy of an instrument under Act X of 1862, Sch. A, art. 54.

UNDER section 49 of the General Stamp Act I of 1879 this case was referred for the opinion of the High Court by Ráo Sáheb K. N. Kher, Subordinate Judge of Alibág.

The plaintiff instituted his suit in 1882, and filed a document purporting to be a deed of partition between two brothers. It was unstamped, and bore date June, 1863.

The question referred to the High Court was whether the document required a stamp under the provisions of Act X of 1862.

The Subordinate Judge was of opinion that it did not.

There was no appearance of parties in the High Court.

Per Curiam—Each sharer's copy under the Act in question means each sharer's part as exemplification of an instrument executed in duplicate, triplicate, &c. The document should be stamped accordingly.

*Civil Reference, No. 55 of 1883.