

(1894) 12 MAD CK 0021

In the Madras High Court

In Re: Reference under a Stamp Act, Section 46

Date of Decision : 17-12-1894

Acts Referred:

Stamp Act, 1899 — Section 3(11)

Citation : (1895) ILR (Mad) 233

Hon'ble Judges : Parker, J;Muttusami Ayyar, J;Arthur J.H. Collins, J

Bench : Full Bench

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 ILR 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.