

22.10.2021
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ORDER ON IA NO.1

This is an application filed by the petitioner under Section 33 of the Karnataka Stamp Act to send the employee post job separation agreement dt.12.10.2018 and indemnity bond dated 12.10.2018 executed by the defendant in favour of the plaintiff which is marked as document No.5 and 6 and submitted the same to the Jurisdictional Deputy Commissioner for adjudication of the stamp duty as prayed for in the I.A.

2. The brief facts of the plaintiff case is that;

The plaintiff company is a multinational company registered under the Companies Act and dealing with talent acquisition and recruitment process outsourcing solutions of the technology, knowledge service, Banking and Financial Services Sectors in India and defendant was employee through a offer letter dt.17.08.2014, he was appointed through a letter on 19.08.2014 on gross salary of Rs.35,30,000/- and from time to time he was promoted and salary was also enhanced. Pursuant to 4 years of employment with the plaintiff for reasons best known to the defendant, defendant sent E mail dated 11.08.2018 and intimated his desire to terminate his employment with the plaintiff and accordingly termination notice was sent and on 12.10.2018 the defendant has executed a Job separation agreement referred as employee post job separation

agreement and also executed indemnity bond on the same day and the plaintiff noticed about the mismatch of signature of the defendant in the document. In spite of repeated requests and demands the defendant has not come forward to set right the mistake. On the other hand though he was not authorized to solicit any ex-employees of the plaintiff company he has solicited one Mr.Saikat Das who was the former employee of the plaintiff sister company and thereby he has violated the terms of the agreement. The defendant is liable to pay a sum of Rs.2,54,23,704/- and for recovery of that amount the suit is filed along with the suit a job separation agreement and indemnity bond are also produced and these documents are not sufficiently stamped according to the stamp Act. Hence, it is to be referred to concerned Registrar for collecting

the stamp duty as required under law. Hence, the application has been filed under Section 33 of the Karnataka Stamp Act. If the document is not sent to the Sub-Registrar office the plaintiff will not be in a position to mark the document in evidence. Hence, it has become necessary to submit the document to the Registrar of Jurisdiction to determine the stamp duty. Hence prayed for allowing the application.

3. I have heard the arguments of the plaintiff counsel

4. The plaintiff has filed this suit for recovery of money of Rs.2,54,23,704/- against the defendant contending that since the defendant was a former employee of the plaintiff company has he has violated the terms and condition of Job Separation Agreement and though he is not

authorized to solicit former employee of the company he has solicited former employee of the plaintiff company and thereby he is liable to make payment of the amount. But with regard to the execution of Job Separation Agreement and Indemnity Bond, the stamp duty is not sufficient. Hence, the same has to be referred to the Registrar to determine the value of the stamp to be paid. Hence, he prayed for allowing the application.

5. Perused the agreement which is not stamped. It has become necessary to determine the stamp duty to be paid on the document. As otherwise the plaintiff will not be in a position to mark the document. By allowing the application no hardship will be caused to the defendant. Hence, I pass the following;

ORDER

Issue suit summons to the defendant r/by 13.12.2021.

Office is here by directed to send the copy of this agreement and indemnity bond which are marked as document No.5 and 6 with the suit to the concerned Sub-Registrar Office to determine the stamp duty to be paid on the document and after receiving the information from the Registrar, the original document may be handed over to the plaintiff to pay the stamp duty and get the endorsement on the document.

Call on 13.12.2021.

(S.R.MANIKYA)
LXI Addl. City Civil & Sessions Judge,
Bangalore.