

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1362 of 2016
and
C.M.P.No.7602 of 2016

1.S.Neela
2.D.Uma Devi
3.D.Shri Lakshmi

... Petitioners

vs

1.C.Meenakshi Sundaram
2.D.Durga Devi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned XII Assistant Judge, City Civil Court, Chennai, passed in O.S.No.6555 of 2012 on 31.03.2016.

For Petitioners : Mr.G.Krishnamumar

ORDER

This revision challenges the order of learned XII Assistant Judge, City Civil Court, Chennai, passed in O.S.No.6555 of 2012 on 31.03.2016.

2. The first respondent/Plaintiff has filed the suit for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property contending that he is in lawful possession of the property in question on the basis of a lease agreement dated 24.04.2009 which was subsequently renewed on 29.01.2011. The suit was contested by the defendants by filing written statement.

3. During the course of trial, the first defendant relied on a agreement dated 29.01.2011 in support of her defence. According to the first defendant, in the agreement dated 29.01.2011, it was clearly indicated that the lease was for a period of 12 months and it expired even on 28.01.2012. Therefore, according to the first respondent, the occupation and possession of the plaintiff/first respondent herein without renewal of the lease is illegal.

4. The trial court, finding that the agreement of lease dated 29.01.2012 for a period of 12 months was not registered. As rightly pointed out that as per Section 49 of the Registration Act, the unregistered agreement of lease dated 29.01.2011 attracts payment of stamp duty as a condition precedent for admitting it in evidence even for a collateral purpose. The trial Court further directed the Registry of the Court to examine and determine the correct stamp duty payable by the first defendant on the instrument. As

against the same, the present revision stands filed by the defendants 1 to 3.

5. This Court do not find any reason to interfere with the order passed by the court below. The Civil Revision Petition is accordingly dismissed.

02.06.2016

Index:yes/no
Internet:yes

To

The XII Assistant Judge,
City Civil Court, Chennai

C.T.SELVAM, J

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