

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1435 of 2016
and
C.M.P.No.7875 of 2016

S.Subramanian
S/o.Shanmugam

... Petitioner

VS

N.S.Richard
S/o.N.Selvaraj

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned IV Additional City Civil Judge, Chennai, passed in I.A.No.14331 of 2015 in O.S.No.1411 of 2014 on 11.01.2016.

For Petitioner : Mr.R.Thanjan

ORDER

This revision challenges the order of learned IV Additional City Civil Judge, Chennai, passed in I.A.No.14331 of 2015 in O.S.No.1411 of 2014 on 11.01.2016.

2. Heard learned counsel for petitioner.

3. The suit in O.S.No.1411 of 2014 is one moved for recovery of money. In allowing a petition moved by the petitioner/defendant seeking receipt of additional documents, the Court below rightly has held that the documents sought to be marked was a mortgage by deposit of title deeds and that despite being unregistered the same could be looked into for a collateral purpose but as regards non-payment of stamp duty thereupon the provision to Section 35 of Indian Stamp Act would apply and hence, the document could be received subject to payment of stamp duty and penalty thereupon. This Court finds no error in the order under challenge.

The Civil Revision Petition shall stand dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

03.06.2016

Index:yes/no
Internet:yes
gm

To

The IV Additional City Civil Judge,
Chennai.

C.T.SELVAM, J

gm

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