

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1736 of 2016  
and  
C.M.P.No.9215 of 2016

Subramanian  
S/o.Arumugha Chettiar

... Petitioner

vs

1.Muthukumaran

2.Santhanakrishnan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned District Munsif cum Judicial Magistrate, Vanur, passed in I.A.No.569 of 2014 in O.S.No.118 of 2007 on 29.04.2014.

For Petitioner : Mr.N.Subramani

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**ORDER**

This revision arises against the order of learned District Munsif cum Judicial Magistrate, Vanur, passed in I.A.No.569 of 2014 in O.S.No.118 of 2007 on 29.04.2014.

2. Respondents/plaintiffs have filed the suit in O.S.No.118 of 2007 on the file of District Munsif, Vanur, seeking declaration of title and injunction.

Petitioner/second defendant has moved I.A.No.569 of 2014 in O.S.No.118 of 2007 to eschew the partition deed marked as Ex.A1 on the ground that the same has neither been stamped nor registered. The Court below, under the impugned order, has dismissed such application. Hence, this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the application, the Court below has reasoned that Ex.A1 has already been marked and hence, the contention of petitioner/second defendant that Ex.A1 is an unstamped document is unsustainable. In support of its decision, the Court below has relied upon the decision of this Court in *Kaliya Perumal v. Dhandapani* [2010 (2) CTC 689]. This Court finds no error in the order under challenge. The question of whether the document was compulsorily registrable may be gone into at the final adjudication.

The Civil Revision Petition, accordingly, is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2016

Index:yes/no  
Internet:yes  
gm

To

The District Munsif cum Judicial Magistrate,  
Vanur.

C.T.SELVAM, J

gm

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