

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

C.R.P.No.1278 of 2014
and M.P.No.1 of 2014

N.Sakunthala

.. Petitioner

VS.

M/sK.P.V.Yarns P Ltd

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 07-11-2012 made in I.A.No.755 of 2013 in O.S.N o.441 of 2011 on the file of V Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.N.V.Prasanna

For respondent : Ms.H.Mary Sowmi Rexi

ORDER

Second defendant viz., N.Sakunthala, in the Trial Court is the revision petitioner before this Court.

2. Suit is one for recovery of money, i.e. Rs.54,06,661/-
3. Second defendant in the Trial Court, took out an application in I.A.No.755/2013 with a prayer to reject Ex.A1 and pass suitable orders.
4. It is seen that Ex.A1 is a lease deed dated 08.11.2006. It is a lease deed for a period of three years. It is unregistered and not duly stamped.
5. Noticing this in the light of Sections 17 and 49 of the Registration Act, the Trial Court disposed of I.A.No.755 of 2013 in and by an order dated 26.02.2014 holding that Ex.A1 is received only for collateral purpose provided stamp duty with penalty is paid by the plaintiff. The Trial Court has also held that the document will be rejected at the time of Judgment, if stamp duty and penalty are not paid.
6. Heard Mr.N.V.Prasanna, learned counsel for the revision petitioner and Ms.H.Mary Sowmi Rexi, learned counsel on record for the respondent, is present.
7. On a perusal of the order of the Trial court in the light of Sections 17

and 19 of the Registration Act, I do not find any illegality or infirmity in the same. There is no ground to interfere with the order of the Trial Court which is called in question. Civil Revision Petition fails and is dismissed. Consequently, civil miscellaneous petition is also closed.

04.04.2017

Index:Yes/No
Internet:Yes/No
kkd

M.SUNDAR, J.

kkd

To

V Additional District and Sessions Judge,
Coimbatore.

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