

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.03.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.1322/2013

B.Manimurugan : Petitioner
versus

K.S.Krishna : Respondent

PRAYER: Revision filed against the order dated 14.2.2013, in I.A.No.52/2013 in O.S.No.118/2011 on the file of the District Munsif Court, Tiruvarur.

For petitioner :: Mr.J.Jyothi

For respondent :: Mr.P.Thiagarajan

ORDER

This civil revision petition is directed against the order dated 14 February 2013 in I.A.No.52 of 2013 allowing the application filed by the petitioner to receive an unregistered document in evidence, subject to payment of proper stamp duty. The order is under challenge primarily for the reason that the learned Trial Judge was not correct in directing the petitioner to pay stamp duty to receive the document as evidence.

2. The learned counsel for the petitioner contended that the document was intended to be used only for collateral purposes and as such, the Trial Court was not correct in directing payment of stamp duty.

3. I have also heard the learned counsel for the respondent.

4. The petitioner produced the mortgage deed before the Trial Court and made a request to mark the said document in evidence. Since the document was unregistered and unstamped, the petitioner filed an application in I.A.No.52 of 2013 to receive the document. The Trial Court allowed the said application subject to the condition that proper stamp duty shall be paid. The petitioner wanted to mark the document without paying stamp duty.

5. There is no question of permitting the petitioner to mark the document as the same is unregistered, and not properly stamped. Even if the petitioner wanted to use the document for collateral purposes, still he has to pay the correct stamp duty. The Trial Court was therefore correct in directing the petitioner to pay stamp duty. I do not find any error or illegality in the order warranting interference, exercising the jurisdiction under Article 227 of the Constitution of India.

6. In the upshot, I dismiss the civil revision petition. No costs. Consequently, M.P.No.1 of 2013 is also dismissed.

7. The learned District Munsif, Tiruvarur, is directed to dispose of the civil suit in O.S.No.118 of 2011 as expeditiously as possible and in any case on or before 17 July 2017.

24.03.2017

Index:Yes/no
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To
The District Munsif Court, Tiruvarur

K.K.SASIDHARAN, J.

(tar)

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