



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM :

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

**CRP(PD) (MD)No.42 of 2014
and M.P. (MD) No. 1 of 2014**

M.Palanivel ... Petitioner/Petitioner/Defendant

vs.

Muniyandi ... Respondent/Respondent/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.278 of 2013 in O.S.No.156 of 2010 dated 10.09.2013 on the file of the District Munsif, Pudukkottai.

For Petitioner : Mr.K.N.Govardhanan

For Respondent : Mr.D.Ramesh Kumar

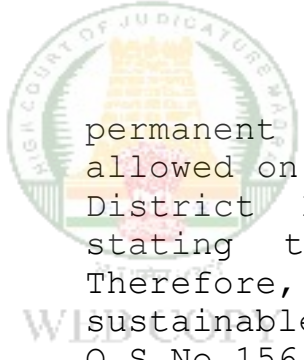
O R D E R

This revision petition has been filed against the fair and decreetal order passed in I.A.No.278 of 2013 in O.S.No.156 of 2010 dated 10.09.2013 on the file of the District Munsif, Pudukkottai.

2. The petitioner would aver among other things that the petitioner, who is the defendant in O.S.No.156 of 2010, has filed an Interlocutory Application in I.A.No.278 of 2013 in O.S.No.156 of 2010 for taking steps to collect deficit stamp duty for some unregistered sale deeds. The learned District Munsif, Pudukkottai, has dismissed the said application on the ground that the suit is filed for permanent injunction and not for declaration and permanent injunction and the petitioner did not specify for what purpose he is going to mark those documents after payment of deficit stamp duty.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The learned counsel for the petitioner would bring to the notice of this Court that the plaintiff filed I.A.No.910 of 2010 seeking for amendment of the prayer for declaration and



permanent injunction and the said Interlocutory Application was allowed on 30.05.2011 itself and overlooking the same, the learned District Munsif, Pudukkottai, has dismissed the application stating that the suit is filed for permanent injunction. Therefore, the reasons assigned by the learned Munsif is not sustainable and the order passed in I.A.No.278 of 2013 in O.S.No.156 of 2010 is set aside.

5. The matter is remanded back to the lower court for fresh consideration of I.A.No.278 of 2013 in O.S.No.156 of 2010 and fresh order shall be passed in accordance with law within a period of three weeks from the date of receipt of copy of this order.

6. In the result, this Civil Revision Petition is disposed of. No costs. Consequently, connected M.P.(MD) No. 1 of 2014 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Pudukkottai.

+ 1 cc TO Mr.K.N.Govardhanan , Advocate in SR No. 87326

+ 1 cc TO Mr.D.Ramesh Kumar , Advocate in SR No. 87370

CM

AE/SKN RSK/SAR1/30.11.2017/2P/4C

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