

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2018

CORAM

THE HON'BLE MR. JUSTICE **P.VELMURUGAN**CRP.(PD).No. 1379 of 2018 and
CMP.No. 7398 of 2018

Chandra

... Petitioner

Vs.

Simon Joseph

... Respondent

Prayer : Civil Revision Petition filed Under Article 227 of the Constitution of India to set aside the order dated 13.12.2017 in M.P.No.380 of 2017 in R.C.O.P.No.1529 of 2013 on the file of the XII Small Causes Court, Chennai.

For Petitioner : Mr.P.Sunil

ORDER

The Civil Revision Petition has been filed against the Order dated 13.12.2017 made in M.P.No.380 of 2017 in R.C.O.P.No.1529 of 2013 on the file of the XII Small Causes Court, Chennai.

2. The respondent filed a rent control proceedings in R.C.O.P.No.1529 of 2013 on the file of the learned XII Small Causes Court (Rent Controller), Chennai. During the pendency of the RCOP, the respondent filed a petition in M.P.No.380 of 2017 in R.C.O.P.No.1529 of 2013, to mark the document. The learned Rent Control Authority after hearing the arguments allowed the petition subject to the condition

that the stamp duty and penalty paid by the petitioner with respect to the lease agreement on or before 10.01.2018. Feeling aggrieved with the above said order the revision petitioner filed this revision petition.

3. The learned counsel for the revision petitioner would submit that to establish the advance amount paid by the petitioner, this documents has to be marked and there is sufficient relevancy for collateral purpose. Supporting his contention the learned counsel has relied upon the judgement of this Court reported in **"2017-4-L.W. 644 Amruthlal Jain and another Vs. Vijayakumar"**.

4. Though notice has been served and name of the respondent has been printed in the cause list, none appeared on behalf of the respondent. Heard the learned counsel appearing for the revision petitioner and perused the records.

5. Admittedly, the revision petitioner/respondent filed application to mark the document for the collateral purpose and it is not disputed that the said document is unstamped and registered. However, the learned Rent Control Authority allowed the petition to mark the document subject to the payment of stamp duty and penalty. At the time of marking document, without going into the validity of the document, it can be marked, if the stamp duty is paid. So far as the validity of the document, it can be decided only at the time of final disposal. Therefore, there is no

illegality or irregularity in the order passed by the learned Rent Control Authority and the order dated 13.12.2017 passed by the XII Small Causes Court, Chennai in M.P.No.380 of 2017 in R.C.O.P.No.1529 of 2013 is confirmed. However, the learned XII Small Causes Court, Chennai is directed to dispose of the main R.C.O.P., within a period of six months from the date of the receipt of a copy of this Order.

6. With the above observations, the Civil Revision petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

06.06.2018

Index :Yes/No
Internet :Yes
Speaking order/Non-speaking order
rts

To

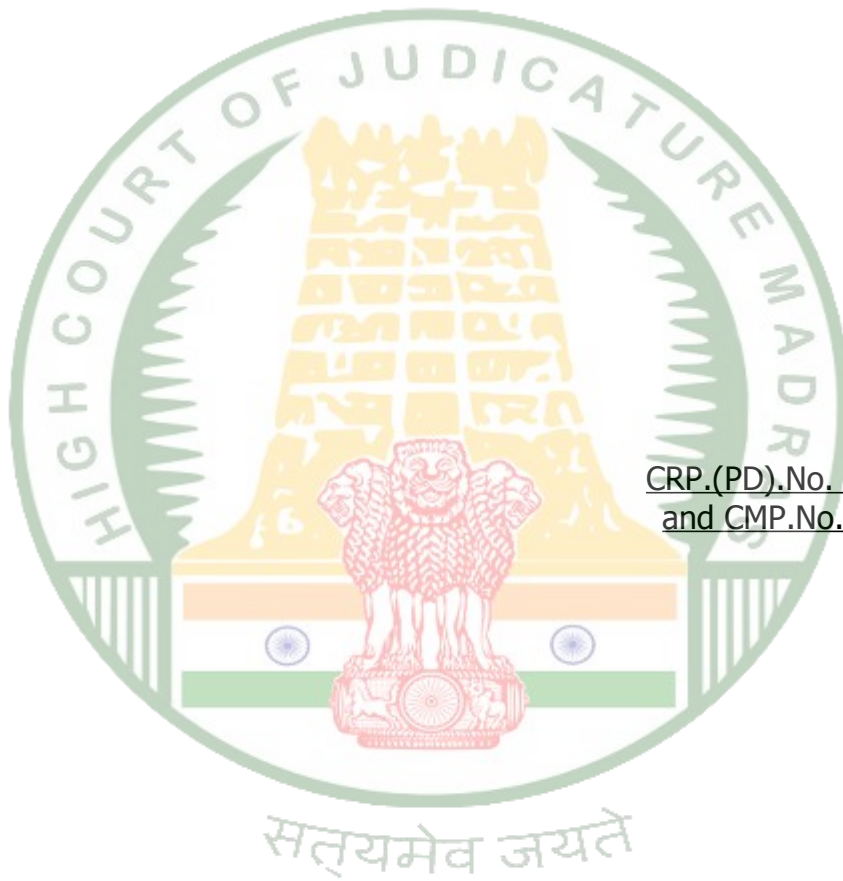
1. The Presiding Officer,
XII Small Causes Court,
Chennai.

सत्यमेव जयते

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P.VELMURUGAN, J.,

rts



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