

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.06.2018**

CORAM:

THE HONOURABLE MR. **JUSTICE P.VELMURUGAN**

C.R.P.(PD) No.1797 of 2018 and
C.M.P.No.10079 of 2018

Rajanagam

... Petitioner

Vs.

1. Kathirvel
2. Prabu
3. Kathiresan

... Respondents

Civil Revision Petition has been filed under Article 227 of Constitution of India against the fair and decreetal order dated 08.12.2017 passed in I.A.No.11 of 2017 in O.S.No.335 of 2012 on the file of I Additional District Munsif, Virdhachalam.

For petitioner : Mrs.R.Meenal

ORDER

This civil revision petition has been filed against the order dated 08.12.2017 passed in I.A.No.11 of 2017 in O.S.No.335 of 2012 by the learned I Additional District Munsif, Virdhachalam.

2 The petitioner is defendant and the respondents are plaintiffs in the original suit in O.S.No.335 of 2012 for declaration and injunction. The document filed by the petitioner/defendant was marked as Ex.B1. Subsequently that was rejected, since the

respondents/plaintiffs filed an application to reject the same, which was allowed by an order dated 05.01.2016. The petitioner/ defendant challenged the above order in C.R.P.No.1451 of 2016 which was also dismissed by order dated 26.09.2016. The petitioner/defendant again filed an interlocutory application in I.A.No.11 of 2017 seeking impounding the document in dispute for stamp duty penalty and stated that he is ready to pay the same. The trial Court by order dated 08.12.2017 dismissed the application.

3 Aggrieved against the same, the defendant is before this Court with the present civil revision petition.

4 The learned counsel appearing for the petitioner would submit that the document in dispute is goes to the root of the case, since it reveals the partition details of the suit properties. Hence the trial court ought to have allowed the application seeking impounding stamp duty penalty.

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

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6 Admittedly, the document in dispute is written only in a white sheet, which was neither stamped nor registered. Even though the document was marked subsequently it was rejected. The said order of rejection was confirmed by this Court and was not challenged by filing any appeal. Hence the trial Court has rightly rejected the application seeking impounding the document in dispute with stamp duty penalty. This Court by an earlier order dated 26.09.2016 in C.R.P.No.1451 of 2016 confirmed the order of the trial Court dated 05.01.2016 in I.A.No.1451 pf 2016, where the document in dispute was rejected.

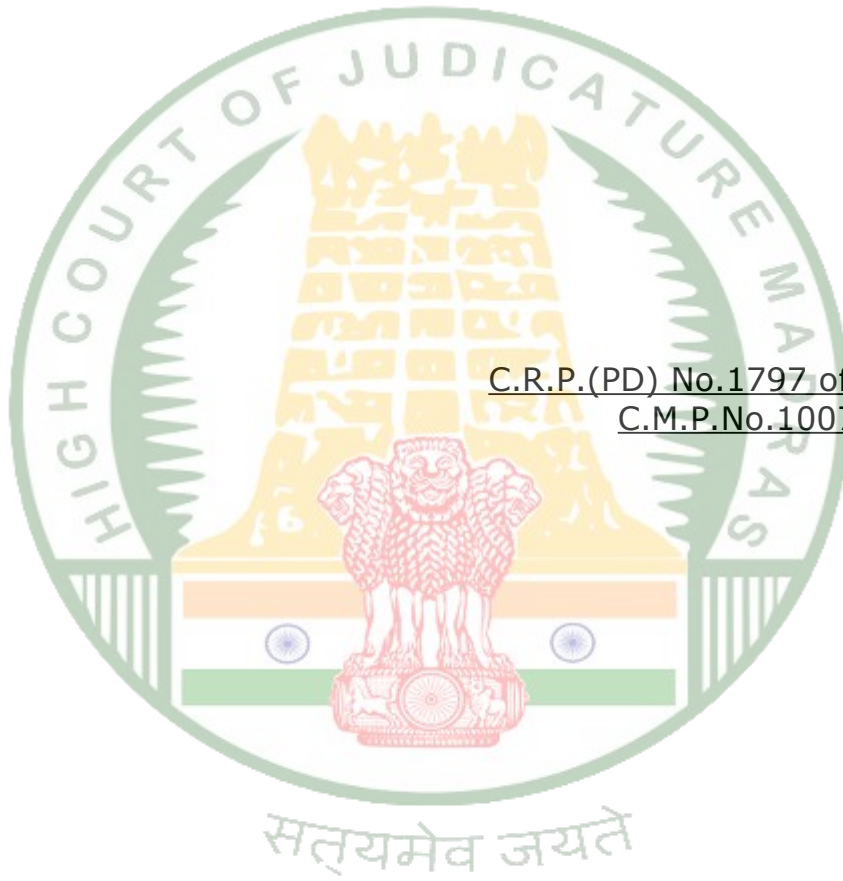
7 Under these circumstances, this Court cannot reopen the order passed by this Court in earlier revision petition in C.R.P.No.1451 of 2016 on the very same subject matter of the document and take a different view. Accordingly, the civil revision petition is dismissed. Consequently connected miscellaneous petition is closed. No costs.

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Index:Yes/No
Internet : Yes/No
cgi
To
The I Additional District Munsif,
Virdhachalam.

P.VELMURUGAN, J.,

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