



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P (PD) (MD) No.1349 of 2016

Mariyayee

... Revision Petitioner/Petitioner/  
Plaintiff  
-Vs-

1.Muthukumar

2.Thangappan

.. Respondents/Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 14.07.2015 in I.A.No.330 of 2013 in O.S.No.32 of 2009 on the file of the District Munsif Cum Judicial Magistrate Court, Keeranur.

For Petitioner : Mr.P.Ganapathi Subramanian  
For R1 : Mr.D.Rameshkumar

O R D E R

The plaintiff in O.S.No.32 of 2009 on the file of the District Munsif cum Judicial Magistrate, Keeranur, is the revision petitioner herein. The plaintiff filed I.A.No.330 of 2013 for marking a certain document. The court below dismissed the same. Challenging the said order, this Civil Revision Petition has been filed.

2. Heard the learned counsel appearing on either side.

3. The document in question has not been registered. Therefore, it cannot be used for any primary purpose and it can only be used for collateral purpose. Secondly, filing of that document is subject to provision of Section 35 of the Stamp Act. The revision petitioner will have to pay definitely stamp duty and penalty as per Section 35 of the Stamp Act and subject to that restriction, it can only be used for collateral purpose not for primary purpose. Hence, the order impugned in this Civil Revision Petition is set aside.

4. In the result, this Civil Revision Petition is allowed. No costs.

Sd/  
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-IV)



To,  
The District Munsif Cum Judicial Magistrate Court, Keeranur.

+1cc to Mr.D.Rameshkumar, Advocate, SR.No.93062

+1cc to Mr.P.GANAPATHI SUBRAMANIAN, Advocate, SR.No.93165

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KK/BK/SAR-4/26.12.2018/2P-4C