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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1362 of 2016

and

CMP (MD) No.6551 of 2016

Nazar

... Petitioner

Vs.

1.Kasara Beevi
2.N.Syed Sulthan
3.Kodhar Mydeen
4.Mohammed Ismail
5.Jahir Ussain
6.Rasay Mohammed

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order in O.S No.155 of 2009 dated 04.03.2016 on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.R.T.Arivukumar
For Respondents : Mr.H.Arumugam for R1

R2 to R6 - Given up
vide court order dated 21.07.2016

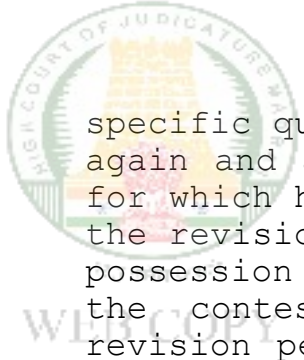
ORDER

The revision petitioner herein is the first defendant in O.S No.155 of 2009 on the file of the learned Principal Sub Court, Thirunelveli. It is a suit for declaration and recovery of possession. In the said suit, the revision petitioner wanted a document dated 07.12.2004 to be received in evidence. The court below by the impugned order declined to receive the same in evidence. Questioning the same, this civil revision petition has been filed.

2.Heard the learned counsel on either side.

3.It is seen that the document in question is a lease agreement. It is not for a period upto 11 months. Therefore, it obviously requires registration. The document in question has also been unstamped. That is why the court below rightly held that an unstamped and unregistered document cannot be received in evidence.

4.The learned counsel appearing for the revision petitioner/first defendant contended that it can be marked subject to objections and for collateral purposes.This Court posed a



specific question to the learned counsel for the revision petitioner again and again asking him to state what is the collateral purpose for which he wants the document to be used. The learned counsel for the revision petitioner submitted that the revision petitioner is in possession of the suit property. To which the learned counsel for the contesting respondent replied that the possession of the revision petitioner is not denied and that is why they have chosen to file a suit for declaration and recovery of possession. If the revision petitioner wants to use this document to establish his status as tenant, then obviously it is not a collateral purpose.

5. In this view of the matter, I find no merit in this civil revision petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Principal Sub Judge, Tirunelveli.

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.H.Arumugam, Advocate, SR.No.81811

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ES/SKN/RSK/SAR 2/08.10.2018/2P/5C