



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2120 of 2016 and
C.M.P.(MD)No.9947 of 2016

S.Muthuramalingm

... Petitioner/Petitioner/
Plaintiff

Vs.

R.Petchimuthu

... Respondent/Respondent/
Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.485 of 2015 in O.S.No.376 of 2014, dated 15.09.2016 on the file of the I Additional District Munsif Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.M.Saravanan

O R D E R

The plaintiff in O.S.No.376 of 2014 on the file of the learned I Additional District Munsif, Tirunelveli, is the Revision petitioner herein. The said suit has been filed for directing the defendant to surrender vacant possession of the suit building to the plaintiff and for awarding damages. In the said suit, the Revision petitioner filed I.A.No.485 of 2015 for permitting him to exhibit three documents. The Court below accepted the said request and impounded the same and referred them to the Stamp Authority. But then, it clarified that merely because impounding and adjudication proceedings have been ordered, the suit will not be put on hold. In other words, the suit will have to be proceeded with independently. Some adverse findings have also been given against the Revision petitioner in the order impugned in this Civil Revision petition.

2. This Court makes it clear that the suit proceedings will have to be necessarily put on hold till the Stamp Authority adjudicates the matter in terms of Section 35 of the Stamp Act. A direction is given to the Court below to refer the documents in



question to the concerned authority immediately and the Stamp Authority is directed to conclude the proceedings and return the documents to the Court concerned within a period of two months, thereafter. The suit proceedings shall resume thereafter.

3. It is seen that some observations have been made adverse to the interests of the Revision petitioner in the order impugned in this Civil Revision petition. All the adverse findings are vacated. However, paragraph No.28 of the order impugned, whereby, the oral evidence of P.W.1 in chief examination on 19.08.2015 and Ex.A.7 to Ex.A.9 are ordered to be eschewed will remain. In other words, the plaintiff will have to once again let in evidence for marking these three documents. If the documents have not been registered, they can be received in evidence only for collateral purpose and not for primary purpose.

4. The Civil Revision petition stands partly allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The I Additional District Munsif,
Tirunelveli.

COPY TO

The Record Keeper, V.R.Section, (2 COPIES)
Madurai Bench of Madras High Court, Madurai.

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