



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.2418 of 2016

and

C.M.P. (MD) No.11403 of 2016

R.Swaminathan ... Petitioner/3rd Respondent/3rd Defendant

Vs.

1.M.Rasu

2.M.Sivanandi

3.M.Suthanthiram

4.M.Pandi

... 1 to 4 Respondents/Petitioners/ Plaintiffs

5.P.Chellammal

6.K.Jayapandi

...5 to 6 Respondents/Respondents 1 & 2/
Defendants 1 & 2

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 07.10.2016 passed in I.A.1011 of 2014 in O.S.No.60 of 2007 on the file of the District Munsif, Tirumangalam.

For petitioner

: Mr.M.Divakaran

For R1 to R4

: Mr.A.R.Sethupathy

For R5 and R6

: Given up

ORDER

O.S.No.60 of 2007 on the file of the District Munsif Court, Tirunmangalam was filed by the respondents herein, seeking the relief of declaration and permanent injunction. In the said suit, the plaintiff filed I.A.No.1011 of 2014 for impounding and marking a sale deed dated 24.05.1943. The said document is an unregistered one. Therefore, invoking its powers under Section 35 of the Stamp Act, the Court below ordered its impounding for payment of deficit Stamp duty and penalty. No exception can be taken to the order passed by the Court below. But then, this Court has to clarify that even after payment of the deficit stamp duty and penalty, the document in question can be used only for collateral purpose and not for the primary purpose.

2.With this clarification, the order impugned in this Civil Revision Petition is sustained and this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.



3. The suit is of the year 2007. Therefore, after the document is received from the stamp authority, the Court below shall dispose the suit within a period of four months thereafter.

Sd/-

Assistant Registrar (AD-I)

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/True Copy/

Sub Assistant Registrar (CS-III)

To:

1. The District Munsif,
Tirumangalam.
2. The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. T.R. Subramanian, Advocate Sr.No. 88682

pnn

VB/PM/SAR3/11.12.2018/2P/5C

ORDER MADE IN
C.R.P. (PD) (MD) .No. 2418 of 2016
and
C.M.P. (MD) No. 11403 of 2016
04.10.2018