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EFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1919 of 2018

and

C.M.P. (MD) .No.8315 of 2018

1.M.Durai @ Durairaj

2.D.Janaki

4/

.. Petitioners/Respondents 3 &
Defendants 3 and 4

vs.

1.M.Raja

2.Parvathakumari

..Respondents 1&2/
Petitioners/Plaintiffs

3.M.Sundar @ Sundaram

4.Rajendramani

.. Respondents 3&4 /
Respondents 1&2/ Defendants 1 &2

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against fair and decreetal order dated 09.04.2018 made in I.A.No.1066 of 2017 in O.S.No.89 of 2016 on the file of the learned Principal District Munsif, Madurai Town.

For Petitioner : Mr.PT.S.Narendravasan

ORDER

The revision petitioners are the defendants 3 and 4 in O.S.No.89 of 2016 on the file of the learned Principal District Munsif, Madurai Town. It is a suit for permanent injunction. In the said suit, the plaintiffs filed I.A.No.1066 of 2017 for marking a document subject to payment of stamp duty and penalty under Section 35 of the Indian Stamp Act. The Court below by order, dated 09.04.2018 held that the document in question is only a family arrangement and that it can be received in evidence without payment of stamp duty and penalty. Questioning the same, this Civil Revision Petition has been filed.

2. The learned counsel for the petitioner reiterated the contentions set out in the memorandum of grounds.

3. The learned counsel for the petitioner also produced a copy of the document in question. This Court went through the said document. It is seen that it is only a family arrangement and that it is a record of an antecedent transaction. Therefore, as rightly held by the Court below, it does not require any registration and it also does not require any payment of stamp duty or penalty as per Section 35 of the Stamp Act. The order passed by the Court below is



sustained. There is no merit in the Civil Revision Petition. Hence, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

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Sub Assistant Registrar(CS-III)

To

1.The Principal District Munsif,
Madurai Town.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. 2 copies.

Pjl

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