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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED:15.02.2018

CORAM

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM  
CRP(PD) (MD) .No.338 of 2011

and

M.P. (MD) .No.1 of 2011

R.P.Ramiah

.. Petitioner/petitioner/Tenant

Vs.

M.Pitchaimanickam

.. Respondent/Respondent/Landlord

PRAYER: Civil Revision Petition is filed under article 227 of the Constitution of India, to set aside the fair and decretal order passed on 03.12.2010 by the learned Rent Controller-Principal District Munsif, Dindigul in I.A.No.50 of 2010 in RCOP.No.23 of 2006.

For Petitioner : Mr.M.Karthikeyavenkitachalapathy

For Respondent : Mr.H.Lakshmi Shankar.

#### O R D E R

This Civil Revision Petition has been preferred against the fair and decretal order passed in I.A.No.50/2010 in R.C.O.P.No.23/2006 by the Rent Controller-cum-Principal District Munsif, Dindigul.

2.The brief facts of the case are as follows:

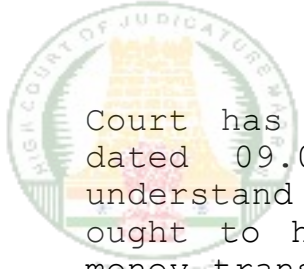
The petitioner had filed RCOP petition seeking permission to deposit the arrears of rent in the name of the land lord. In the mean time I.A.No.39 of 2008 was filed to produce the rental agreements dated 01.07.1995 and 22.03.2001 and the same was allowed on payment of cost of Rs.86,647/- towards stamp duty and fine. Now, I.A.No.50/2010 was filed by the petitioner for marking the rental agreements as receipts without any additional stamp duties.

3.The learned counsel appearing for the respondent stated that in M.P.No.1/2010 on 09.03.2010 the said document was determined as a lease deed and hence necessary stamp duty has to be paid was ordered. Hence, the petition cannot be allowed.

4.After perusing the records available on record the trial Court has dismissed the petition. Against which this Civil Revision Petition has been filed.

5.Heard both sides and perused the documents.

6.The revision petitioner has attacked the order of the trial Court on the following grounds. The first ground is that the lower



Court has not properly appreciated the order of the High Court, dated 09.03.2010 in M.P(MD).No.1 of 2010 and has failed to understand the same. The second ground is that the lower Court ought to have seen that the document in question and in which a money transaction is indicated and a condition to be entered into a Rental Agreement in future, is also mentioned thereon, but not complied with, hence the document has to be treated as a receipt for money transaction.

7.The learned counsel appearing for the petitioner stated that already the rental agreements, dated 01.07.1985 and 22.03.2001 were considered as receipts and there is no need for paying any additional stamp duty. The prayer was made for marking the rental agreements only as receipts. Whereas in M.P.No.1/2010 on 09.03.2010 the said document was determined as a rental agreement and hence necessary stamp duty has to be paid was ordered. Hence, the petition cannot be allowed.

8.On the other hand, there was a counter statement made by the respondent. On perusal of records, and also the order of the Rent Controller, it is observed that in M.P. 1/2010 there was a direction that the document should be marked only after paying the necessary stamp duty. Hence in view of the said direction the document has to be marked only after paying stamp duty. Hence, the petition filed by the tenant in I.A.No.50/10 to mark the documents as receipts was considered and the said document was found to be a rental agreements and that can be marked only after payment of necessary stamp duty. Hence, in view of the direction by the High Court, the petition filed by the tenant was dismissed.

9.Considering the fact that already a direction is given by the High Court for verifying and marking the documents and considering the said documents as rental agreements, the dismissal order by the Rent Controller does not require any interference.

10.In the result, this Civil Revision Petition is dismissed. No costs Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Rent Controller-Principal District Munsif, Dindigul.

+1CC to Mr.H.Lakshmi Shankar, Advocate, SR.No. 49115

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