

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.07.2019

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.569 of 2019

&

CMP.No.3828 of 2019

Manimegalai ... Petitioner

-vs-

1. Kalimuthu
2. Veerasamy
3. Senthil @ Senthilkumar
4. Seeman @ Sivakumar ... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order passed by the learned District Munsif Court, Jayankondam, Ariyalur District in I.A.No.1153 of 2013 in O.S.No.12 of 2009 dated 12.02.2014 .

For Petitioner : Mr.A. Naarathinam

For Respondents : Mr. K.P.P.Raja Raja

ORDER

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The petitioner is plaintiff in O.S.No.12 of 2009 on the file of District Munsif Court, Jayankondam, Ariyalur District . He filed the suit against the defendants/respondents seeking permanent

injunction restraining the defendants from interfering with her peaceful possession of the suit property.

2. In that suit, the respondents/defendants filed a petition under section 151 CPC in I.A.No.1153 of 2013 seeking permission to pay the penalty stamp duty and to mark three unregistered sale deeds dated 30.08.1986, 13.06.1992 and 02.05.1994 before the trial court to prove their possession. The said application was allowed by the trial Court on 12.2.2014 directing the respondents to take steps to send the documents to the Collector and to pay the penalty stamp duty under Section 12 of Indian Stamp Act.

3. Aggrieved over the same, the petitioner had preferred the above Civil Revision Petition.

4. According to the learned counsel for the petitioner, the unregistered sale deed is an inadmissible document and it cannot be received in evidence as an exhibit. Since it is an inadmissible document, the trial Court should not have permitted the respondent to pay penalty on stamp duty and that too, keeping the matter pending for the past four years from the date of order.

5. Per contra, learned counsel for the respondents would

submit that the impugned order was passed by the trial court on 12.2.2014, whereas the Civil Revision Petition was filed by the petitioner only on 10.1.2019. Thus the Revision filed by the petitioners is hit by latches. Therefore, it has to be dismissed.

6. I have considered the submissions made on either side. Admittedly the order was passed on 12.2.2014 and the petitioner has not chosen to challenge the same on the relevant point of time. However, the learned counsel for the petitioner would submit that after the order passed by the trial court, no steps were taken by the respondents for assessing value of property towards payment of stamp duty with penalty. Therefore, he restricts his prayer in the revision to the extent that a direction be issued to the trial court to send the document for valuation at the earliest and dispose of the suit within the time frame stipulated by this Court.

7. Considering the restricted prayer, a direction is given to the trial court to send the documents for valuation within a period of one month from the date of receipt of a copy of this order and proceed in accordance with law. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently,

M.GOVINDARAJ, J.

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connected C.M.P.No.3828 of 2019 is closed.

11.07.2019

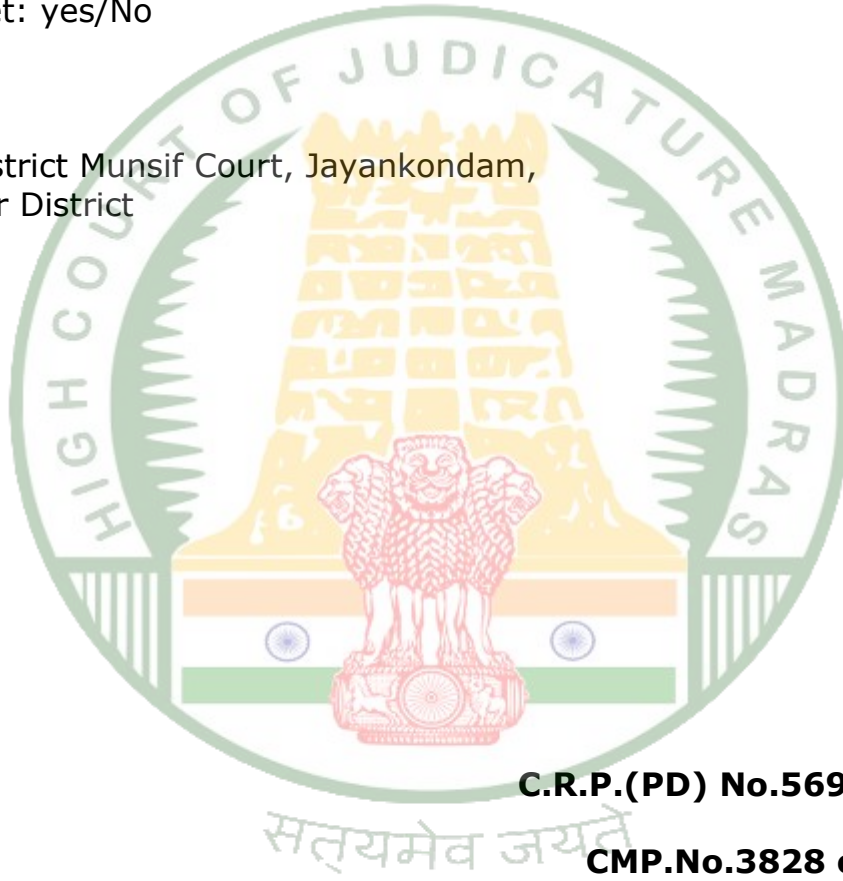
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Index: yes/No

Internet: yes/No

To

The District Munsif Court, Jayankondam,
Ariyalur District



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