

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.No.4612 of 2013

and

M.P.No.1 of 2013

S.Thangarasu

... Petitioner/Plaintiff

Vs.

1.P.Pakkiam

2.Manikandan

3.P.Paramasivam

4.P.Samidurai

5.Velayudam

... Respondents/Defendants

Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.926 of 2012 in O.S.No.411 of 2011 dated 30.07.2013 on the file of the Principal District Munsif, Kallakurichi.

For Petitioner : Ms.S.R.Sumathy

For Respondents : No appearance

O R D E R

Though the notices sent to the respondents were duly served and their names have been printed in the cause list, none appeared for them.

2.Challenging the fair and final order passed in I.A.No.926 of 2012 in O.S.No.411 of 2011 on the file of the Principal District Munsif, Kallakurichi, the plaintiff has filed the above Civil Revision Petition.

3.The plaintiff filed the suit in O.S.No.411 of 2011 for permanent injunction.

4.It is the case of the petitioner that he is in possession and enjoyment of the suit property. The 5th defendant filed his written statement and is contesting suit. In the said suit, the plaintiff took out an application in I.A.No.926 of 2012 to impound the document dated 23.02.2008 and for the purpose of paying the penalty and the stamp duty.

5.According to the plaintiff, the document dated 23.02.2008 is the receipt issued by the respondents 1 to 4 for receiving the Sale Consideration in respect of the suit property. The application filed by the plaintiff was opposed

by the 5th defendant/5th respondent. The trial Court, taking into consideration the case of both parties, dismissed the application. While dismissing the application, the trial Court observed that the receipt sought to be impounded is an un-registered document and for the said purpose, the document cannot be impounded. Further, only in the case of deficit stamp duty paid by a party, the document can be impounded. For non-registration of a document, the same cannot be impounded. The observation made by the trial Court is proper.

6. In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

va

To

1. The Principal District Munsif,
Kallakurichi.

+1cc to Mr.S.R.Sumathy, Advocate, S.R.No. 94454

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SJ(CO)
GN(12/12/2019)

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