

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.3976 of 2018

1. Anandhan
2. Suresh

... Petitioners

Vs

Ramalingam

... Respondent

Prayer: The Civil Revision petition filed under Article 227 of the Constitution of India, against the impugned order allowing of petition under Order VII Rule 14 (3) of the Code of Civil Procedure filed in IA No.137 of 2018 in O.S No.374 of 2017 by the Court of the learned Additional District Munsif, Villupuram.

For Petitioners : Mr.A.Prakash for
Mr.M.Manikandhan

For Respondent : Mr.Vijay Anand
for Mr.M.Rajendiran

ORDER

This Civil Revision petition is against an order allowing an application filed under Order VII Rule 14 (3) of the Code of Civil Procedure receiving a document dated 02.07.1984 in the suit.

2. The suit in O.S.No.374 of 2017 is one for declaration of a right of way and for a consequential injunction. Pending suit, the plaintiff came up with an application for receipt of the document, after filing of the written statement. By the impugned order, the trial Court allowed the application. The document that is sought to be filed reads as an Exchange Deed between one Varadharaja Gounder son of Adhimula Gounder and Ranganatha Gounder son of Govindaraja Gounder.

3. According to the learned counsel appearing for the respondent, the document refers to the existence of the suit pathway and the ancestor of the defendant has signed as a witness in the document, therefore, the document is relevant. The document is written on Rs.2.50/- non judicial Stamp paper. It reads as an Exchange Deed. An Exchange Deed is a document which is required to be Stamped and registered in accordance

with law. The trial Court has overlooked the said requirement. Therefore, the Civil Revision petition is disposed of with the direction to the trial Court to impound the instrument, send it to the Collector for valuation in terms of Section 33 of the Stamp Act and receive the document subject to proof and relevancy on payment of the Stamp duty and penalty as levied by the Collector under the provisions of the Section 40 of the Stamp Act. No costs.

28.09.2020

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Index: Yes/No

Speaking order / Non speaking order

To

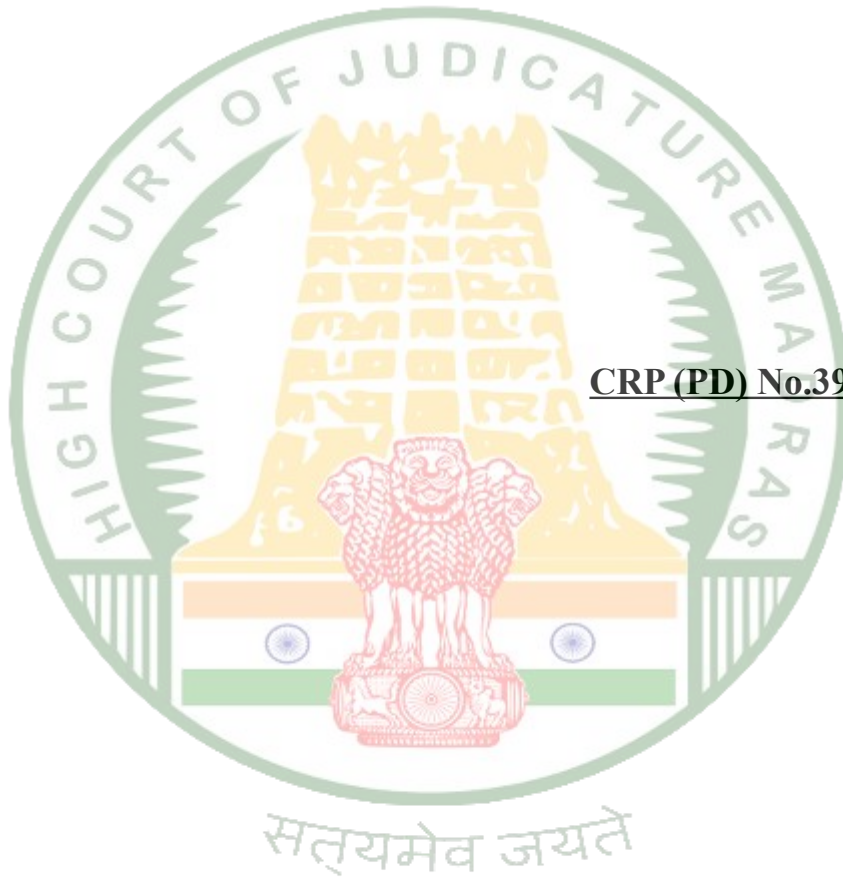
The Additional District Munsif, Villupuram.

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R.SUBRAMANIAN, J.

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CRP (PD) No.3976 of 2018

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28.09.2020