



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD)No.300 of 2020

WEB COPY

1.M.Parameswaran
2.L.Sivakumar
3.R.Ravikumr

... Petitioners/Appellants/Plaintiffs

Vs.

Saroja

....Respondent /Respondent/Defendant

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the petition and order in I.A.No.3 of 2020 in O.S.No.633 of 2017 on the file of the Sub Court, Tirumangalam.

For Petitioners : Mr.T.S.R.Venkatramana
For Respondent : Mr.D.Sadiq Raja

ORDER

The plaintiffs are the revision petitioners herein. They are the erstwhile tenants of the respondent/defendant. They laid the suit in O.S.No.633 of 2017 on the file of the Sub Court, Tirumangalam.

2. According to them, they paid advance amount of Rs.4 lakhs. Subsequently, they vacated the property. The defendant has not chosen to return the advance amount. The suit is laid for recovery of advance amount along with interest.

3. The defendant has filed her written statement. While so, the defendant appears to have produced an unregistered and insufficiently stamped lease deed dated 16.05.2012. Subsequently, it appears that the learned counsel for the defendant had filed a memo dated 05.09.2019 before the court that he is not willing to mark the inadequately stamped. Opposing the same, the plaintiffs have filed I.A. No 3 of 2020 for levying stamp penalty to him and also have filed I.A.No. 4 of 2020 for impounding the lease document.

4. The learned counsel for the revision petitioners argued that in terms of the judgement reported in **Javer Chand and others Vs. Pukharj Surana** [AIR 1961 SC 1655], whether or not the document is admitted in evidence, the court still has a duty to impound the document under Section 33 of the Stamp Act.



5. Heard the learned counsel for the respondent.

6. It may have to be stated that both I.A.Nos.3 of 2020 and 4 of 2020 are still pending, and the trial court is yet to take decision on the same. In these circumstances, it would have been advisable for the revision petitioners to produce the authorities reported in **Javer Chand and others Vs. Pukharj Surana** [AIR 1961 SC 1655] and in **Avinash Kumar Chauhan Vs. Vijay Krishna Mishra** [(2009) 3 MLJ 409 SC] before the trial court itself rather than requiring this court to tender advice to the trial court on what it ought to do. Section 33 of the Stamp Act is straight forward and unambiguous. The authority reported in **Javer Chand and others Vs. Pukharj Surana** [AIR 1961 SC 1655] also indicates that insufficiently stamped document has to be impounded by the court on its production, no matter whether it is admitted in evidence or not.

7. This Court only now requires the revision petitioner to produce the authorities before the trial court .

8. With the above direction, this Civil Revision Petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cm

To

1.The Sub Judge,
Tirumangalam.

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

+1 CC to Mr.T.S.R. VENKAT RAMANA, Advocate (SR-19701[F] dated 12/10/2020)

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ARK (CO)

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