



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2020

CORAM :

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P (MD) .No.509 of 2020
and C.M.P (MD) .No.3291 of 2020

1.S.Parameshwari
2.S.Surender

... Petitioners

vs.

S.Abdul Malik

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.666 of 2012 in O.S.No.458 of 2009 dated 30.07.2019 on the file of I Additional Sub-Court, Tiruchirapalli.

For Petitioners : Mr.S.Rajasekar

O R D E R

This Civil Revision Petition has been filed challenging the order dated 30.07.2019 in I.A.No.666 of 2012 in O.S.No.458 of 2009 on the file of the I Additional Subordinate Court, Tiruchirapalli.

2.The revision petitioners as plaintiffs, has filed a suit in O.S.No.458 of 2008 before the Subordinate Court, Tiruchirapalli, for recovery of money. The respondent/defendant has filed a petition in I.A.No.666 of 2012 for not to mark document Nos.1 and 2 as Exhibits. In the said suit, the revision petitioners intended to mark those documents. The Trial Court has allowed the said petition on condition that the plaintiffs have to pay the stamp duty and penalty. Challenging the said order, the revision petitioners have filed the present Civil Revision Petition.

3.Heard the learned counsel appearing for the petitioners and also perused the materials available on record.

4.The petitioners have filed a suit for recovery of advance money said to have been paid by them to the respondent. The petitioners sought to be marked those documents in this case are that the agreement between the first revision petitioner and the



respondents dated 22.03.2005 and also the agreement between the second petitioner and the respondent dated 22.03.2005. In this regard, the learned counsel for the petitioners has placed reliance on the judgment of this Court dated 21.01.2019 in A.S.No.354 of 2019 in the case of **D.Devarajan Vs., Alphonsa Mary** and the order of this Court dated 25.10.2019 in CRP(PD).No.1414 of 2012 in the case of **G.Veeramani Vs., N.Soundaramoorthy and others**. Those decisions are related to collateral purpose and not for money claim. Therefore, the judgment and the order relied on by the learned counsel for the petitioners are not applicable to the present case on hand.

5. Even though the documents are unregistered lease agreements, the petitioners wanted to mark those documents only for collateral purpose. Since the suit is only for recovery of money said to have been paid by the petitioners as advance money, if the petitioners wanted to mark those documents, they should be sufficiently stamped and registered. But, in this case, the documents not being properly/sufficiently stamped and not registered. Therefore, this Court does not find any perversity in the order of the trial Court.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RMK

To

1. The Judge, I Additional Sub-Court, Tiruchirapalli.
2. The Section Officer, VR Section, -2 copies
Madurai Bench of Madras High Court,
Madurai.

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