

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2601 of 2017

and

CMP.No.12410 of 2017

1. Duraisamy
2. Selvam
3. Mariappan
4. Periyasamy

... Petitioners

Vs.

1. Velusami
2. Sarasal
3. Thulasimani

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 01.03.2017 passed in I.A.No.1187 of 2016 in O.S.No.74 of 2015 on the file of the District Munsif, Sathyamangalam and allow the above Civil Revision Petition.

For Petitioners : Mr.A.K.Kumarasamy
Senior Counsel for
: Mr.S.Kaithamalai Kumaran

For Respondents : No Appearance

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.1187 of 2016 in O.S.No.74 of 2015 dated 01.03.2017 on the file of the District Munsif, Sathyamangalam, thereby, dismissing the petition seeking to receive the lease deed dated 08.01.1996 as evidence on the petitioners side and mark as Ex.B.5.

2. The learned Senior Counsel for the petitioner submitted that the respondents are the plaintiffs and the petitioners are the defendants in the suit filed by them for declaration and recovery of possession. The petitioners claimed that they are cultivating tenants under the un-registered lease deed dated 18.01.1996 executed between the petitioners and the respondents for a period of one year. During the trial, the petitioners filed a petition seeking permission to receive the lease deed dated 18.01.1996 as evidence and marked as Ex.B.5. The Court below rejected the said request for the reason the same is liable to be impounded for collecting the deficit stamp duty and penalty. Therefore, it cannot be permitted in evidence at present and rejected the petition. The learned senior counsel also pointed out that under Section 4-B (2) of the Tamil Nadu Cultivating Tenants Protection Act, 1955, when

the lease deed was executed for a period less than one year, no stamp duty is required and it is exempted from the said provision.

3. On a perusal of the records, the lease deed dated 18.01.1996 entered between the plaintiffs and the respondents was for a period of less than one year. Therefore, it does not require compulsory registration. That apart, as per the Section 4-B (2) of the Tamil Nadu Cultivating Tenants Protection Act, 1955, the lease of agricultural lands for less than one year are exempted from payment of stamp duty. Therefore, the order passed by the Court below is perverse and illegal and it is liable to be set aside.

4. Accordingly, this Civil Revision Petition is allowed and the order passed in I.A.No.1187 of 2016 in O.S.No.74 of 2015 dated 01.03.2017 is set aside. The trial Court is directed to receive the lease deed dated 18.01.1996 and mark the same as Ex.B.5. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

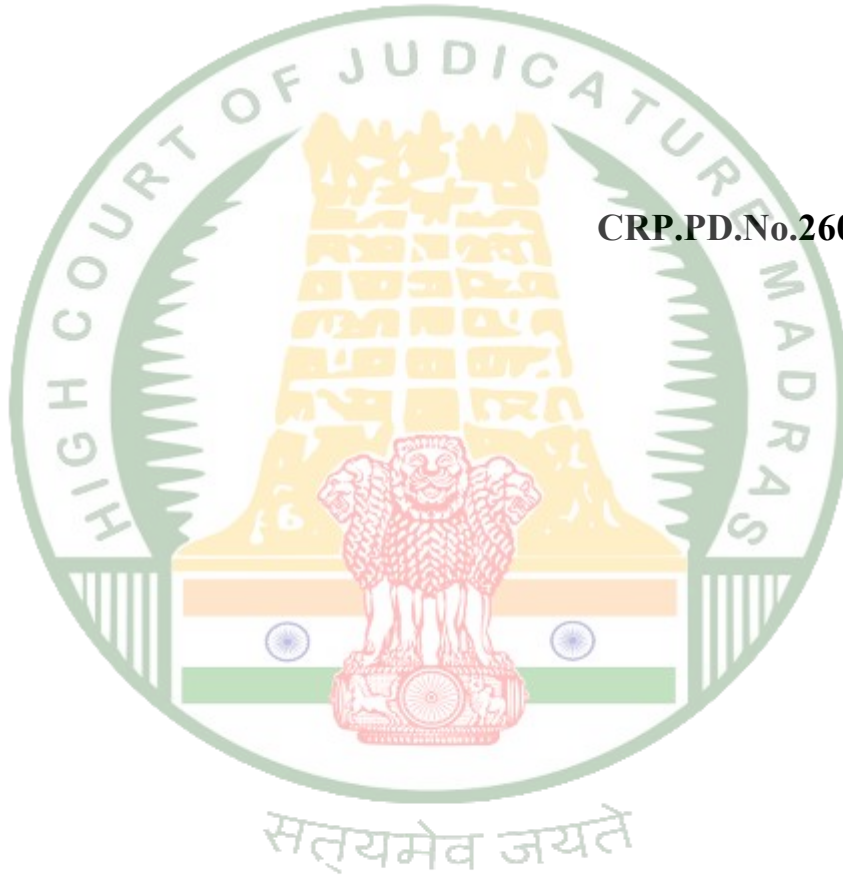
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G.K.ILANTHIRAIYAN,J.

Kv

To

The District Munsif, Sathyamangalam.



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