

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM

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

CRP.PD.No.325 of 2017

and

CMP.No.1449 of 2017

Vasudevan

..Petitioner

Vs.

Ananthi

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in IA.No.1114 of 2016 in OS.No.356 of 2011 on the file of the Principal District Munsif Court, Ulundurpet dated 24.11.2016.

For Petitioner : M/s.R.Poornima

For Respondent : Mr.T.Gandhi

ORDER

This civil revision petition is filed against the order passed in IA.No.1114 of 2016 in OS.No.356 of 2011 on the file of the

Principal District Munsif Court, Ulundurpet dated 24.11.2016, thereby allowing the petition to receive the documents.

2. The petitioner is the plaintiff and the respondent is the second defendant. The petitioner filed suit for declaration and injunction in respect of the suit property. While pending the suit, the respondent filed petition to receive documents. The petitioner objected only in respect of the first document, which was sought to be marked by the respondent dated 21.01.1998, partition deed between the petitioner and the first respondent.

3. Admittedly, it is a hand-written, unregistered and unstamped document. Therefore, it cannot be even marked for collateral purpose under Section 35 of Stamp Act as well as Section 17 of the Registration Act. Insofar as the possession of the property is concerned, other documents were allowed to be marked the same. Therefore, the order passed by the court below is liable to be set aside.

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4. Accordingly, this civil revision petition is allowed and the order passed in IA.No.1114 of 2016 in OS.No.356 of 2011 on the file of the Principal District Munsif Court, Ulundurpet dated 24.11.2016

is set aside. Consequently, connected miscellaneous petition is closed.

No order as to costs.

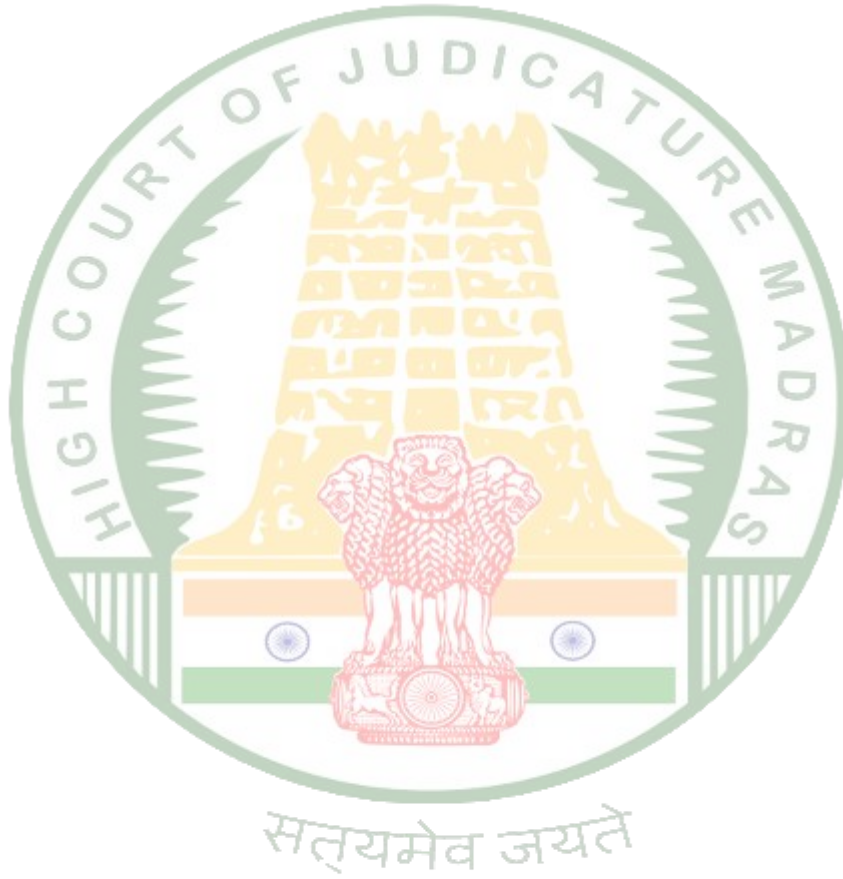
01.04.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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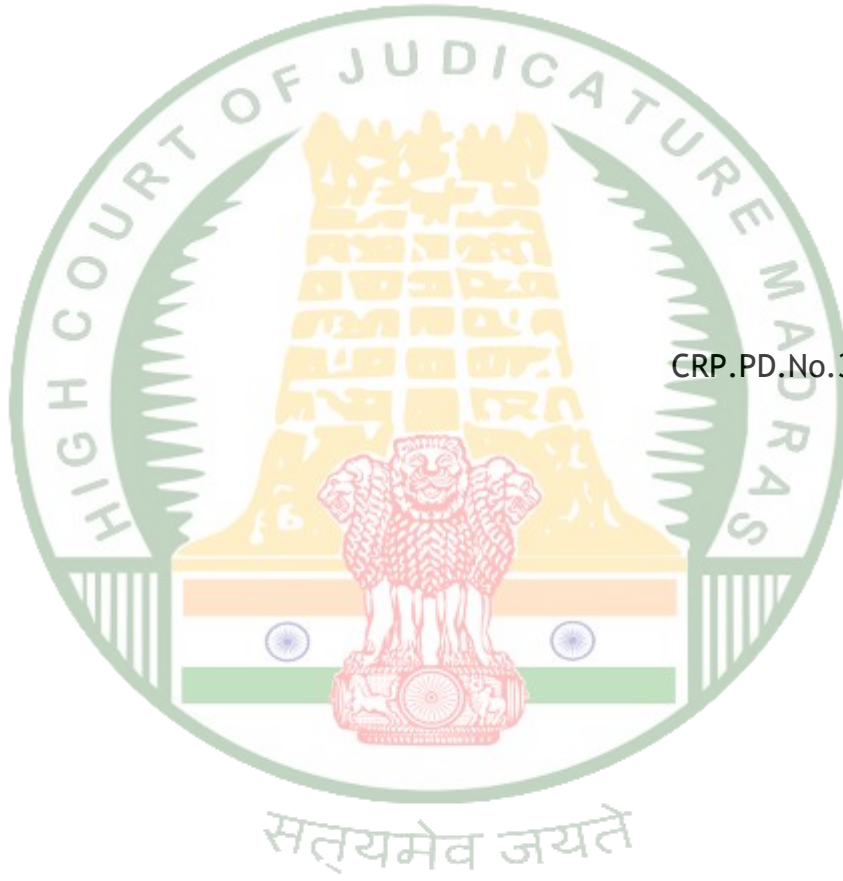
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G.K.ILANTHIRAIYAN,J.

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To

The Principal District Munsif,
Ulundurpet



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