



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD)No.349 of 2021

and

C.M.P. (MD)No.1973 of 2021

WEB COPY

Krishnasamy

... Petitioner/Petitioner/
2nd Respondent

Vs.

1. Mumtaj Begam

2. Mumtaj Begam

Rep. by Power Agent,
Mohamed Sithick

... Respondents/Respondents/
Petitioners

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order passed in I.A.No.20 of 2019 in R.C.O.P.No.12 of 2014 dated 10.02.2020, on the file of the Principal District Munsif cum Rent Controller Court, Kumbakonam and thereby allow the Civil Revision Petition.

For Petitioner

: Mr.G.Ramanathan

ORDER

This civil revision petition has been filed to set aside the order passed in I.A.No.20 of 2019 in R.C.O.P.No.12 of 2014 dated 10.02.2020, on the file of the Principal District Munsif cum Rent Controller Court, Kumbakonam.

2. Learned counsel for the revision petitioner submitted that the respondent herein had filed R.C.O.P.No.12 of 2014 for eviction from the petition schedule property on the ground of wilful default, owners occupation and other grounds. He further states that when the matter posted for trial, through PW1, 13 documents were marked inclusive of Ex.P1 - Rental Agreement. After marking the documents it is found that Ex.P1 is unregistered document and insufficiently stamped. Hence, the petitioner has filed I.A.No.20 of 2019 under Order 13 Rule 3 and Section 151 of C.P.C., to reject the document on the ground that the document Ex.P1 is unregistered and insufficient stamp duty paid. Since the said application was dismissed, the petitioner has filed the present Civil Revision Petition.

3. Heard the learned counsel appearing for the revision petitioner and perused the materials placed before this Court.

4. Perusal of document shows that the tenancy is not disputed and the relationship as landlord and tenant in respect of the property is also not disputed and the rent deposited by this

https://hccservices.in/hccservices/ before the Court has also been withdrawn by the



respondents and now, when the case is at the verge of finality, the petitioner has come forward with the present petition to project the document as not stamped. Due to the reasons stated above, whether the document is stamped or not will not have any effect on the decision of the case. The present petition has been filed at the verge of completion of R.C.O.P is only to prolong the matter and therefore, the learned Judge finding that since the landlord-tenant relationship has been established and the rent paid by the petitioner has been withdrawn by the respondents, has dismissed the above application by taking into consideration the direction passed by this Court to complete the trial within a time frame. I do not find any infirmity in the order passed by the learned Judge and the interference of this Court is not warranted.

5. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal District Munsif cum Rent Controller Court,
Kumbakonam.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai. (2C)

+1 CC to M/s.G.RAMANATHAN, Advocate (SR-8632[F] dated 04/03/2021)

C.R.P. (MD) No.349 of 2021
03.03.2021

MJ(CO)

KK(26-03-2021) 2P 5C
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