



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 30.06.2021

PRONOUNCED ON : 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(MD)No.996 of 2014

MP(MD) .No.1 of 2014

(Through Video Conferencing)

WEB COPY

Muthu

Petitioner/Petitioner/Plaintiff

Vs

1.Periyakaruppan

2.Petchammai

Respondents/Respondents/Defendants

Prayer:- This Civil Revision Petition has been filed, under Article 227 of the Constitution of India, against the order and decreetal order dated, 14.02.2014 in IA.No.299 of 2012 in OS.No.91 of 2010, by the District Munsif Court, Devakottai.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.K.Rajeshwaran-R2

No appearance-R1

ORDER

- 1.This Civil Revision Petition has been filed, against the order and decreetal order dated, 14.02.2014 in IA.No.299 of 2012 in OS.No.91 of 2010, by the District Munsif Court, Devakottai.
- 2.The facts of the case, in a nutshell, are that the Plaintiff is the Petitioner and the Defendants are the Respondents. The suit was filed for declaration of title and permanent injunction. The Plaintiff had filed the above application, seeking permission to pay the stamp duty penalty for the unregistered sale deed, dated 12.09.1954. Since the said application was dismissed, by the impugned order, this Civil Revision Petition has been filed.
- 3.The learned counsel for the Petitioner has submitted that the court below ought to have impounded the document, dated 12.9.1954 for collateral purpose since the said document is very essential for deciding the suit and that allowing the application will not prejudice the other party and hence, this Civil Revision Petition is to be allowed.
- 4.The learned counsel for the Respondents has submitted that the nature of the said document is not mentioned and that an unregistered document is not admissible in evidence and hence, the impugned order is in order and accordingly, this Civil Revision Petition is liable to be dismissed.
- 5.This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
- 6.The suit was filed for permanent injunction. The Petitioner has sought to impound the document dated 12.09.1954, by paying stamp



duty penalty in order to substantiate his case, as it was executed by him in favour of his wife. The court below has found that the Petitioner has not mentioned about the nature of the said document as to whether it is a gift or release deed or Will. On reading of the said document, the court below has also found that it is a conditional gift deed and no right to alienation or mortgage is given and only a condition to sell back to the executor is stipulated and that since no value of the property was given, the stamp duty cannot be assessed. Ultimately, the court below, relying on the decisions of the Honourable Supreme Court and the High Court, has held that since it is an unregistered document, it is not admissible in evidence and accordingly, dismissed the application, by the impugned order, which, in the opinion of this Court, does not suffer from any infirmity or illegality, warranting interference by this Court.

7. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar (CSII)

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Sub Assistant Registrar (CS)

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To

The District Munsif, Devakottai

CRP(MD)No.996 of 2014
12.07.2021

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