



C.R.P.D. No.3532 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/4/2022

C O R A M

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.R.P.D.No.3532 of 2014

a n d

M.P.No.1 of 2014

R. Paneerselvam

...

Petitioner

Vs

1. R. Munuswamy

2. R. Uthan

...

Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records of the lower Court and set aside the order and decreetal order dated 30/6/2014 made in I.A.No.8370 of 2014 in O.S.No.4853 of 2011 on the file of the Hon'ble VIII Assistant Judge, City Civil Court, Chennai.

For petitioner

...

Mr.M. Stalin

For respondents

...

No appearance



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ORDER

This Civil Revision Petition has been filed to set aside the order and decretal order, dated 30/6/2014, made in I.A.No.8370 of 2014 in O.S.No.4853 of 2011, on the file of the learned VIII Assistant Judge, City Civil Court, Chennai.

2. Brief facts which are necessary for the disposal of this Civil Revision Petition are as follows:-

The petitioner along with second respondent had filed a petition in I.A.No.8370 of 2014 for recording D.W.1 evidence. Due to oversight, the second respondent had failed to hand over certain documents relating to the suit property to the counsel on record. Hence the said documents could not be filed in time before the concerned Court. The petitioner had filed an application to receive an unregistered and insufficient stamped partition deed as the documents to be marked on the side of the defendant therein.



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3. Vide, order, dated 30/6/2014, the learned VIII Assistant Judge City Civil Court, Chennai, dismissed I.A.No.8307 of 2014, on the ground that the very Partition Deed, dated 13/6/1988, is inadmissible in evidence, since it did not contain a proper stamp duty and it is an unregistered one.

4. Being aggrieved, the petitioners have come before this Court praying for the relief as stated therein.

5. Heard Mr.M.Ganesan learned counsel for the petitioner and there is no representation for the respondents. Perused the materials available on record.

6. The application filed by the petitioners is not maintainable for the reason that as per Section 35 of the Indian Stamp Act, Instruments not duly stamped is inadmissible in evidence. The insufficiency stamped and unregistered document cannot be marked automatically and the same cannot be looked into for collateral purpose.



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7. In such a view of the matter, this Civil Revision Petition is dismissed.

No costs. Consequently the connected Miscellaneous Petition is closed.

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Index : Yes/No

Internet : Yes/No

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To

1. VIII Assistant Judge, City Civil Court, Chennai.

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