



C.R.P.No.2898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2898 of 2022
and
C.M.P.No.15739 of 2022

1.R.Chandra

2.Vijaya

... Petitioners

VS

D.Murugan

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order dated 16.08.2022 made in I.A.No.6 of 2022 in O.S.No.296 of 2019 on the file of the learned District Munsif, Ambattur by allowing the Civil Revision Petition.

For Petitioners : Ms.Thenmoz R.



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ORDER

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The Civil Revision Petition is filed by the petitioners, challenging the order passed by the Court below impounding the agreement of sale dated 14.07.1978 and forwarding the same to the Collector (Stamps) for adjudication as envisaged under Section 38(2) of the Indian Stamp Act, 1899.

2. By the impugned order, the Court below also stated that the said impounded document can be marked in evidence subject to relevancy and proof, on receipt of the said certificate from Collector (Stamps). Aggrieved by the said order, the defendants in suit have come up with this Civil Revision Petition.

3. By the impugned order, the Court below only impounded the insufficiently stamped document and forwarded the same to the Collector (Stamps) for collection of proper stamp duty together with penalty. It was also make it clear that the said document can be marked in evidence only subject to the relevancy and proof.



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4. The learned counsel for the petitioner submitted that the sale agreement sought to be marked is forged document and it is not binding on the revision petitioner. The said question cannot be considered at this stage. It is open to the revision petitioner to agitate the said point at the time of final disposal of the suit.

5. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

23.09.2022

Index : Yes / No
Speaking Order : Yes / No
dm

To

The District Munsif, Ambattur.



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S.SOUNTHAR, J.

dm

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