



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI
CRP (MD) Nos.1303 and 1304 of 2021 &
CMP (MD) No.7527 of 2021

WEB COPY

Arumugam @ Babu

... Petitioner/Petitioner/1st Defendant
in both petitions

Vs.

1.A.Duraiaraj
2.Vishwakumar
3.Dhanalakshmi
4.A.Boss

... Respondents/Respondents/Plaintiffs
in both petitions

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order and decree in IA.Nos.1 and 2 of 2020 in OS.No.162 of 2019 dated 04.08.2021 on the file of the District Munsif Court, Rajapalayam.

In both petitions:

For Petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.K.Sudalaiyandi

COMMON ORDER

These civil revision petitions are filed by the petitioner / 1st defendant to set aside the order in IA.Nos.1 and 2 of 2020 in OS.No.162 of 2019 dated 04.08.2021 on the file of the District Munsif Court, Rajapalayam.

2. IA.Nos.1 and 2 of 2020 in OS.No.162 of 2019 were filed by the petitioner / 1st defendant to summon any one of the Officials from the Sub Registrar Office, Rajapalayam for the purpose of producing document and adducing evidence in respect of the market value of the suit property as on 04.07.1966, based on the guideline value and also to direct the respondents / plaintiffs to pay the stamp duty with fine. The said petitions were dismissed by the learned District Munsif, Rajapalayam on the ground that, if the respondents / plaintiffs want to mark the unregistered partition document dated 04.07.1966 in the suit, they have to file petitions for ascertaining the market value of the suit property and paying stamp duty with fine. The petitioner / 1st defendant cannot file those petitions on behalf of the respondents / plaintiffs. Challenging the said order, the petitioner / 1st defendant has come up with these revision petitions.



3. Heard both sides and perused the materials on record.

4. The respondents / plaintiffs filed the unregistered partition document dated 04.07.1966 as third document in the plaint. IA.No.1 of 2019 in OS.No.162/2019 was filed by the respondents / plaintiffs to mark the unregistered partition document in the suit and subsequently, on their request for withdrawal, the petition was dismissed. In such circumstances, the petitioner / 1st defendant has every right to object the marking of the document on the basis of stamp duty. Therefore, the findings of the learned District Munsif, Rajapalayam are wrong. Hence, if suppose, the unregistered partition document dated 04.07.1966 is to be marked in the suit, the respondents / plaintiffs should pay stamp duty, as per the market value along with fine amount, if any.

5. In the result, the Civil Revision Petitions are allowed by setting aside the order in IA.Nos.1 and 2 of 2020 in OS.No.162 of 2019 dated 04.08.2021 on the file of the District Munsif Court, Rajapalayam. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The District Munsif Court,
Rajapalayam.

COPY TO:

The section Officer,
V.R.Section,
Madurai bench of madras high court,
madurai.(2 copies)

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-5087[F] dated 09/02/2022)

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-5149[F] dated 09/02/2022)

C.R.P (MD)Nos.1303 and 1304 of 2021

_SS/02.03.2022 : 2P/6C