



CRP(PD)(MD)No.2608 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2608 of 2015 and
CMP(MD) No.2 of 2015

Abbas

... Petitioner

Vs

1.S.Mohamed Yasin
2.S.Abuthahir
3.Jannath Nisha
4.M.Dharmandiran

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the petition order dated 25.11.2014 made in I.A.No.203 of 2013 in O.S.No.28 of 2013, on the file of the District Munsif, Periyur.

For Petitioner : Mr.P.Thiyagarajan
For R1 & R2 : Mr.J.Bharathan
For R3 to R7 : No appearance

ORDER

This Civil Revision Petition is filed as against the fair and decreetal order passed in IA.No.203 of 2013 in O.S.No.28 of 2013, dated 25.11.2014.



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2.The suit in O.S.No.28 of 2013 was filed by the respondents 1 & 2/ plaintiffs before the District Munsif Court, Tirumangalam, for the relief of declaration and for permanent injunction. The petitioner/second defendant has filed the above Interlocutory Application in I.A.No.203 of 2013, under Order XIII, Rule 3 and Section 151 of Civil Procedure Code and Section 19(1), 19(2) (B) of the Indian Stamp Act,1908, to set aside and strike out the evidence based on Ex.A1 relied on by the plaintiff in the suit in O.S.No.28 of 2013. According to the learned counsel for the petitioner, the said document is registered at Parasala and it is not a valid document as per the Registration Act and it cannot be taken as evidence in the suit. The said application was disposed of by the trial Court with a direction to the plaintiffs to pay a sum of Rs.1000/- as an additional stamp duty to the document Ex.A.1. Aggrieved over the same, the second defendant preferred this Civil Revision Petition.

3.Today(11.07.2022), when this matter is taken up for hearing, the learned counsel appearing for the respondents 1 & 2 submits that though the document Ex.A1 was registered at Parasala in the year 1995, the required stamp duty as per Indian Stamp Act has been paid by the plaintiffs before the



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Registering authority and the document has now been cured and also there is no impediment for marking the document before the trial Court.

4.In reply, the learned counsel for the petitioner has also confirmed the same that after filing of the suit, necessary stamp duty for the subject document has been paid to the Registration Department.

5.In view of the subsequent development, this Civil Revision Petition is closed with a direction to the trial Court to proceed further and dispose of the suit as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

11.07.2022

Index : Yes / No.

Internet : Yes / No.

vrn

To

The District Munsif, Periyur.

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B.PUGALENDHI, J.

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Order made in
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11.07.2022