



CRP (MD) No.1940 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

CRP (MD) No.1940 of 2022

and

CMP (MD) No.8831 of 2022

1.N.Bose @ Muniyasamy

2.Sagunthala

3.S.Muniyasamy Bharathi

4.Saraswathi

5.Chellamani

... Petitioners

Vs

Suresh Kumar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order passed in I.A.No.1 of 2022 in O.S.No.18 of 2018 on the file of the Sub Court, Muthukulathur, Ramanathapuram district dated 04.08.2022 and set aside the same by allowing this civil revision petition.

For Petitioners : Mr.K.Sivabalan



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ORDER

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This petition is filed as against the order passed in I.A.No.1 of 2022 in O.S.No.18 of 2018 on the file of the Sub Court, Muthukulathur, Ramanathapuram district dated 04.08.2022.

2.The respondent has filed an application in I.A.No.01 of 2022 in O.S.No.18 of 2018 to impound the document dated 24.10.2000 and to levy the penalty amount for such deed, which was filed by him.

3.The trial Court has allowed the application stating that an agreement shall be written in Rs.20/- stamp paper, whereas the agreement dated 24.10.2000 is written on a Rs.2/- stamp paper and it is the duty of the Court to impound such document as per Section 33 of the Indian Stamp Act, 1899. However, the Court cannot go into the question of forgery or otherwise of the document as per Sections 33 and 35 of the Indian Stamp Act and the Court has to peruse the document and fix the stamp duty and penalty. Further the Court has power to admit the document in evidence if



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the penalty producing the same would pay the duty together with that penalty amount into ten times the deficiency of the stamp duty and the Court needs to forward only a copy of such document to the collector together with amount, collected from the party for taking adjudicatory step.

4.This petition has been filed challenging the above order allowing the order of impounding the document that whether the document produced by the respondent was original or forged was not considered by the trial Court. If the document is inadmissible for non-registration all its terms are also inadmissible.

5.This Court does not find any reason to interfere with the orders of the trial Court and the petitioner has not made out any ground to entertain this civil revision petition.

6.The Hon'ble Supreme Court in ***Bipin Shantilal Panchal Vs State of Gujarat*** reported in (2001) 3 SCC 1 has held that the objections during marking of documents can be



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decided at the last stage in the final judgment and if the Court finds that the objection is sustainable, the Court can exclude the document from consideration. Hence, the question of forgery of the document need not be considered now and it is left with the trial Court.

6.In the result, the civil revision petition stands dismissed. No cost. Consequently connected miscellaneous petition also stands dismissed.

23.09.2022

dsk
To
The Sub Judge,
Muthukulathur.



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B. PUGALENDHI, J.

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