



C.R.P. No.3501 of 2019 and
C.M.P. No.22965 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. No.3501 of 2019 and
C.M.P. No.22965 of 2019

Rajendran

... Petitioner

Vs.

1.Ramalingam
2.Kanagavalli
3.Lakshmi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 19.04.2017 made in I.A. No.180 of 2017 in O.S. No.225 of 2014 on the file of III Additional District Munsif, Kallakurichi.

For Petitioner : Mr.M.R.Kuyilan

For Respondents : Mr.R.Nalliappan



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ORDER

This revision is taken out by the plaintiff in O.S. No.225 of 2014 on the file of the III Additional District Munsif, Kallakurichi, challenging an order passed by the trial court in rejecting the application filed by the plaintiff under Order XI Rule 14(3) CPC for production of documents. This was dismissed by the trial court on the ground that one of the documents suffer from deficiency in stamp duty. Challenging the dismissal of the same, this revision is filed.

2. Heard both sides and perused the materials available in the form of typed set of papers.

3. When the court finds that any of the documents sought to be produced is inadequately stamped, then its job is not to dismiss the very application seeking the leave of the court for production of the documents, but to slap deficient stamp duty plus the penalty payable. In fitness of things, the court ought to have allowed the application and then ought to have impounded the document and should have required the plaintiff to pay the deficient stamp duty after giving an opportunity of explaining his case in this regard.



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4. In conclusion, this civil revision petition is allowed. The fair and decretal order dated 19.04.2017 made in I.A. No.180 of 2017 in O.S. No.225 of 2014 is set aside. The trial court is now required to apply its mind after giving an opportunity to the plaintiff and decide whether the particular document requires payment of any additional stamp duty. No costs. Consequently, the connected civil miscellaneous petition is closed.

12.04.2023

Asr

To

The III Additional District Munsif, Kallakurichi.



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N.SESHASAYEE, J.,

Asr

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