



C.R.P.(MD).No.480 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.480 of 2019

and

C.M.P(MD) No.2420 of 2019

1. V.Jeyaraj

2. J.Chitra

... Petitioners/Respondents/Plaintiffs

-vs-

1. K.V.Murugesan

2. M.Susila

... Respondents/Respondents
Defendants 1 and 2

3. R.Paulpandi

4. A.Nizar Ibrahim

5. M.Maruthupandian

6. M.Rajmohan

... Respondents/Respondents/
Defendants 3 to 6

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 29.01.2019 made in I.A.No.222 of 2018 in O.S.No.221 of 2010 on the file of the I Additional District Judge, Madurai.

For Petitioners : Mr.M.V.Venkataseshan

For Respondents : Mr.J.Barathan – for R1 and R2
: Mr.M.R.Murugesan – for R6



WEB COPY



C.R.P.(MD).No.480 of 2019

ORDER

The present Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India, against the fair and decreetal order dated 29.01.2019 made in I.A.No.222 of 2018 in O.S.No.221 of 2010 on the file of the I Additional District Judge, Madurai.

2. The petitioners herein are the plaintiffs and the respondents herein are the defendants before the Court below.

3. For the sake of convenience, the parties will be referred to as per the litigative status before the trial Court.

4. Heard both sides.

5. The short facts which are to be decided in the instant Civil Revision Petition are that whether the family arrangement dated 06.08.2003 can be received as a document. It appears that the defendants have moved an



C.R.P.(MD).No.480 of 2019

application under Order 13 Rule 8 of C.P.C to receive five documents. There are 28 documents in the list and the five alone were objected. The respondents have expressed their objection in respect of family arrangement dated 06.08.2003 on the ground that the document has not been registered and has not been sufficiently stamped.

6. It is imperative to mention that in the judgment of the Hon'ble Supreme Court reported in **2001 (3) SCC 1 (Shantilal Panchal Vs. State of Gujarat and another)**, it has been categorically held that unless there is an issue in respect of the stamp duty violation all other objection can only be adjudicated at the time of disposal of the suit. Here, what the petitioners want is only to receive the document as evidence. Therefore, such receipt of the documents will in no way affect the rights of the defendants' objection in respect of the stamp duty violation and the registration.

7. Therefore, this Court finds no infirmity in the order passed by the learned trial judge. This Civil Revision Petition is **dismissed**. However, it is made clear that the respondents herein are having right to object the documents on the ground of stamp duty as well as the registration at the time



C.R.P.(MD).No.480 of 2019

WEB COPY

of marking. There shall be no order as to costs. Consequently connected
Miscellaneous Petition is closed.

10.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
1. The I Additional District Judge,
Madurai.



WEB COPY



C.R.P.(MD).No.480 of 2019

C.KUMARAPPAN,J.

ebsi

C.R.P(PD)(MD)No.480 of 2019

10.08.2023