



C.R.P(MD)No.1916 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD)No.1916 of 2019

and

C.M.P.(MD) No.9784 of 2019

C. Gunasekaran

...Petitioner

Vs.

Revathi Seenivasan

.....Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the fair and decreetal order, dated 28.02.2018 made in I.A.No. 644 of 2017 in R.C.O.P.No.127 of 2015 on the file of the I Additional District Munsif Court, Trichy.



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For Petitioner : Mrs. C. Vakeeswaran

For Respondent : Mrs. M. Saravana

ORDER

This Civil Revision Petition has been filed against the order, dated 28.02.2018 passed in I.A.No.644 of 2017 in R.C.O.P No.127 of 2015 on the file of the I Additional District Munsif Court, Trichy.

2. The petitioner is the respondent and the respondent is the petitioner in R.C.O.P No.127 of 2015

3. Heard Mr.C.Vakeeswaran, learned counsel appearing for the petitioner and Mr.M.Saravanan, learned counsel appearing for the respondent and perused the material available on record.



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4. The respondent herein filed R.C.O.P No.127 of 2015 on the file of the I Additional District Munsif Court, Trichy, to evict the petitioner from the subject premises. On 20.03.2017, when P.W.1 was examined, he deposed that the respondent has to pay stamp duty of penalty of Rs.28,000/- for Ex.P.1 rental agreement and the respondent has deposited the stamp papers before the Court. But Ex.P.1 rental agreement is not marked. As the petitioner admitted the tenancy in his counter the respondent, filed an application in I.A.No.644 of 2017 to reject the stamp duty paid by him. The Court below by order, dated 28.02.2018 has allowed I.A.No.644 of 2017. Aggrieved by the same, the present Civil Revision Petition is filed.

5. The learned counsel appearing for the petitioner submits that the Court below failed to consider the fact that the respondent has paid the stamp duty and penalty for the rental agreement between the petitioner and the respondent. Later, the respondent filed the application to reject the stamp duty paid by him on the ground that the petitioner has admitted the tenancy between



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the petitioner and the respondent before the Court below and simply allowed the application without following the statutory provisions in the Civil Procedure Code and the Indian Stamp Act.

6. The learned counsel further submits that once the stamp duty and penalty was paid in respect of the document before the Court and the same cannot be returned back on the ground that there is an admission in the counter about the tenancy. The learned counsel also contends that the Court below ought not to have allowed the application to reject the stamp duty, as there is no provision to file such application to reject the same under the Civil Procedure Code or in the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

7. On the other hand, the learned counsel for the respondent submits that as the petitioner admitted the tenancy in his counter and tenancy is proved, the petitioner need not pay stamp duty and penalty for rental agreement which was marked as Ex.P1.



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The learned counsel further contends that the Court below having considered the entire issue passed a reasoned order and as such interference of this Court is not required and sought to dismiss the Civil Revision Petition.

8. Having heard the submissions of the respective counsels and on careful perusal of the material available on record, it appears that the main contention of the learned counsel for the petitioner is that since the rental agreement is not marked, the Court below should not allow the interlocutory application filed to reject the stamp duty. It is an admitted fact that the respondent has deposited the stamp paper to the tune of Rs.28,000/-, as there is no need to pay stamp duty for the rental agreement.

9. In view of the fact that the petitioner admitted the tenancy in his counter, the Court opined that the reasons assigned by the respondent are acceptable and allowed the application filed by the respondent.



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10. In the considered opinion of this Court, the Court below passed reasoned order considering the rival contentions placed before the Court on these aspects and there is no any infirmity or irregularity in the order passed by the Court below. As such this Court is not inclined to interfere into the same.

11. Accordingly, this Civil Revision Petition is dismissed.

12. No costs.

13. Consequently, connected miscellaneous petition is closed.

12.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The I Additional District Munsif Court,
Trichy .



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BATTU DEVANAND, J.

RM

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