



C.R.P.(MD)No.1983 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1983 of 2024
and
C.M.P.(MD)No.11235 of 2024

Hendry Geyzer

... Petitioner / Petitioner / Plaintiff

Vs.

1.D.Ramesh

2.R.Anushya

3.The Sub Registrar,
Thanjavur,
Sub Registrar Office,
Karanthattangudi,
Thanjavur.

4.The District Collector,
Thanjavur,
Collectorate Office,
Trichy Main Road,
Thanjavur.

... Respondents / Respondents / Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set the fair and decreetal order dated 04.11.2023 passed in I.A.No.2 of 2023 in O.S.No.40 of 2021 on the file of Additional Sub Court, Thanjavur.



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For Petitioners : Mr.M.P.Senthil
For Respondent : Mr.K.Balasubramani
Special Government Pleader for R3 & R4
: Mr.M.Karunanithi for R1 & R2

ORDER

Heard both sides.

2. The plaintiff in O.S.40 of 2021 on the file of the Additional Sub Court, Thanjavur is the revision petitioner herein. The plaintiff filed the said suit seeking specific performance of the agreement dated 31.01.2021. The said agreement was entered into between the petitioner herein on the one hand and the first respondent herein on the other. The agreement is an un-stamped and un-registered document. The petitioner applied to the court for impounding the same. The court below vide order dated 04.11.2023 dismissed IA. Challenging the same, this Civil Revision Petition came to be filed.

2. It was held in the decision reported in **2008-4-L.W.165 (M.Periyakaruppan Vs. Nachiyappan)** that when the document is un-stamped or insufficiently stamped or unregistered, then it is the duty of the Court to impound the same and issue necessary direction in this regard. The court below



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dismissed IA only on the ground that the suit property belonged to three persons and that the agreement in question was executed by one of the three owners. The court below went into the competence of the first defendant to enter into the agreement. Such an exercise need not have been undertaken at this stage. Before the Court, an un-stamped and unregistered document has been filed and it is sought to be received in evidence. The plaintiff on his own volition has called upon the Court to impound the same so that necessary stamp duty can be paid. The only question which the court should have posed itself was whether the document was duly stamped or not and if it was not duly stamped, the Court should have impounded the same and issued further directions.

3. In this view of the matter, the impugned order is set aside. The Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

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To:

- 1.The Additional Sub Court, Thanjavur.
- 2.The Sub Registrar,
Thanjavur,
Sub Registrar Office,
Karanthattangudi,
Thanjavur.
- 3.The District Collector,
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