



WEB COPY

C.R.P.No.1999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15 / 12 / 2025

PRONOUNCED ON : 28 / 01 / 2026

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

Civil Revision Petition No.1999 of 2023

and

Civil Miscellaneous Petition No.12561 of 2023

T.V. Pakkiri Shankar,
No.9, Kommu Reddy Street,
Thiruvallur Town,
Thiruvallur District.

...Petitioner/Petitioner/Defendant

Versus

K.A. Vincent (died)

1. V. Jesu Vincent,
No.3/488, Seevaga Chinthamani Salai,
Mugapair West,
Chennai – 600 037.

2. G. Prabhavathy,
Old No.18, New No.27,
Ground Floor, Balfour Road,
Kilpauk,
Chennai - 600 010.

... Respondents /Respondents/ Plaintiffs

Page No.1 of 10



C.R.P.No.1999 of 2023

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India, 1950 praying to set aside the Fair and Decreetal order dated April 11, 2023 passed in I.A.No.5 of 2023 in O.S.No.546 of 2007 by the Additional District Munsif, Thiruvallur.

For Petitioner : Mr. A. Palaniappan

For Respondents : Notice sent to R1 returned as 'left'.
Notice sent to R2 returned as 'no such person'. Notice dispensed with vide this Order.

ORDER

The Defendant in O.S. No.546 of 2007 filed I.A. No.5 of 2023 filed under Order XIII Rule 10 of 'the Code of Civil Procedure, 1908' ('CPC' for short), Sections 31 and 33 of Indian Stamp Act, 1899 read with Section 151 of CPC, praying to send the un-registered Lease Deed executed in the month of October 1975 and the un-registered Sale Deed dated August 2, 1980 for collecting the stamp duty penalty. 'The Additional District Munsif, Thiruvallur' (hereinafter referred to as 'Trial Court') dismissed the same on April 11, 2023. Aggrieved by the Dismissal Order dated April 11, 2023, the petitioner therein / defendant has filed the present Civil Revision petition under Article 227 of Constitution of India, 1950 praying to set aside the same.

Page No.2 of 10



C.R.P.No.1999 of 2023

WEB COPY

2. The petitioner herein is the defendant and the respondents herein are the plaintiffs in O.S. No.546 of 2007 on the file of the Trial Court.

3. For the sake of convenience and clarity, the parties will be hereinafter referred to as per their array in the Original Suit.

4. The case of the plaintiffs is that the suit property originally belonged to one Mr. S.E. Richard Samuel who passed away on July 04, 1961 leaving behind his children, the 1st plaintiff and his sister V.C. Kanthimathi, as legal heirs. After the demise of their father, the 1st plaintiff's sister V.C. Kanthimathi, executed a Release Deed in favour of the 1st plaintiff on September 08, 2006 relinquishing all her rights over the Suit Property. After the execution of Release Deed, the 1st plaintiff is in possession and enjoyment of the Suit Property. Subsequent to the Release Deed, he has mutated patta in his name and laid boundary stones after measuring the entire Suit Property with the help of Surveyor on July 07, 2007. In the meanwhile, he came to know that the boundary stones were stolen away by the defendant. Hence, the 1st plaintiff gave a police complaint against the defendant. The Police advised them to approach the appropriate Civil Court for their remedy as the matter

Page No.3 of 10



C.R.P.No.1999 of 2023

was Civil in nature. Since the defendant was attempting to trespass into the Suit Property, the 1st plaintiff filed the Suit in O.S. No.546 of 2007 before the Trial Court seeking permanent injunction against the defendant.

5. During the pendency of the Suit, the 1st plaintiff executed a registered Settlement Deed in favour of the 2nd plaintiff on December 31, 2007. After execution of the Settlement Deed, the 2nd plaintiff is in possession and enjoyment of the Suit Property.

6. The defendant filed written statement denying all averments made in the plaint and further stated that the plaintiffs have no right and title over the Suit Property. It is stated in the written statement that the Suit Property originally belonged to one Mr. T.S. Thiruvengadam S/o. Shanmuga Mudaliar, and the Defendant is a cultivating tenant in the Suit Property since 1975. Subsequently, the defendant purchased the Suit Property from T.S. Thiruvengadam under an unregistered Sale Deed dated August 2, 1980. The defendant is in possession and enjoyment of the Suit Property since then.

7. Based on the pleadings, it is seen that at the stage of D.W.1's evidence, the defendant filed the Interlocutory Application in I.A.No.5 of

Page No.4 of 10



C.R.P.No.1999 of 2023

2023 under Order XIII Rule 10 of CPC seeking to send the Lease Deed dated October, 1975 and the unregistered Sale Deed dated August 2, 1980 to the Revenue Divisional Officer, Tiruvallur for collecting respective deficit stamp duty and penalty, in order to enable him to prove his possession and enjoyment of the suit property.

8. The Trial Court after hearing both sides dismissed I.A. No.5 of 2023. The Trial Court pointed out that the petitioner originally filed I.A. No.1230 of 2017 before the Trial Court for receiving 23 documents including the two documents viz., unregistered Lease Deed and unregistered Sale Deed mentioned in I.A. No.5 of 2023; that the Trial Court refused to grant leave to receive *inter-alia* the two documents mentioned in I.A. No.5 of 2023 citing Section 49 of the Registration Act, 1908 as a bar; that the revision preferred against the said Order of the Trial Court, before this Court in C.R.P No.2042 of 2018 was dismissed vide Order dated April 23, 2021 observing that the said documents being unregistered and unstamped cannot be received as evidence and cannot be even used for collateral purposes. The Trial Court further observed that the Suit has been pending for more than 15 years. The Petition has been filed to drag on the proceedings. Upon these observations, the Trial Court held that the documents cannot be sent to the Collector for

Page No.5 of 10



C.R.P.No.1999 of 2023

determining stamp duty and penalty. Accordingly, I.A. No.5 of 2023 was dismissed by Order dated April 11, 2023. Challenging the aforesaid Dismissal Order, the defendant has filed the present Civil Revision Petition.

9.Mr. A. Palaniappan, learned counsel appearing for the Revision petitioner / defendant submitted that the petitioner is in possession and enjoyment of the Suit Property by way of the unregistered Lease Deed dated October 1975 and unregistered Sale Deed dated August 2 1980. In order to prove his possession and enjoyment of the Suit Property, the said documents must be marked before the Trial Court. Hence, these documents are to be referred to the Revenue Divisional Officer, Tiruvallur for collecting appropriate Stamp Duty and Penalty enabling the defendant to mark them before the Trial Court to prove his case. He would further submit that no prejudice would be caused to the other side if this petition is allowed. The Trial Court without appreciating the facts and circumstances of the case, dismissed I.A. No.5 of 2023. Hence he prayed to allow the Revision petition by setting aside the order of the Trial Court made in I.A. No.5 of 2023 and consequently allow the Interlocutory Application I.A.No.5 of 2023.



C.R.P.No.1999 of 2023

10. This Court has considered the arguments of the learned Counsel for the revision petitioner and perused the entire documents available on record.

WEB COPY

11. On perusal of the records, it is seen that the Lease Deed dated October 1975 and the Sale Deed dated August 2, 1980 sought to be sent to the Revenue Divisional Officer for the purpose of fixing deficit stamp duty along and penalty and for collecting the same for the documents that are unregistered and unstamped. The petitioner wants to mark those unregistered and unstamped documents for the purpose of proving his alleged possession. In the Suit, the main question appears to be whether it is the plaintiff or the defendant in possession of the suit property. When this Court vide Order dated April 23 2021 in CRP No.2042 of 2018 has held that the said documents cannot even be used for collateral purposes, they definitely cannot serve the main purpose. The Interlocutory Application has been filed about 15 years after filing of the Suit, which conduct of the defendant helps to infer his intent to drag on the proceedings and cause delay. The Trial Court has rightly and meticulously appreciated the entire facts and circumstances of the case and dismissed I.A. No.5 of 2023. This Court does not find any illegality and irregularity in the order passed by the Trial Court. Hence, the Civil Revision Petition does not have any merit and is liable to be dismissed.

Page No.7 of 10



C.R.P.No.1999 of 2023

WEB COPY

12. In the result, this Civil Revision Petition is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

28 / 01 / 2026

Index : Yes
Speaking order : Yes
Neutral Case Citation : Yes
lbm/tk

To

The Additional District Munsif
Thiruvallur.

Page No.8 of 10



WEB COPY



C.R.P.No.1999 of 2023



WEB COPY



C.R.P.No.1999 of 2023

R.SAKTHIVEL, J.

lbm

Pre - delivery order made in
Civil Revision Petition No.1999 of 2023

28 / 01 / 2026

Page No.10 of 10