BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.291 of 2026
and
CMP(MD) No.1251 of 2026

Kasi (Died)

1.Selvam

2.Arunachalam

3.Sundharambal

4.Chandira

5.Parvathy

6.Malar

7.Anandhi

8.Nagaraj ... Petitioners

Vs

1.Chinnapillai

2.Sarasu

3.Shanthi

4.Pothumponnu

5.SaravanaKumar ... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.08.2025 in I.A. No. 8 of 2025 in O.S. No. 109 of 2016 on the file of the learned District Munsif, Keeranur.

For Petitioners	: Mr.P.Ganapathi Subramanian
For R1 to R4	: Mr.A.Balakrishnan

ORDER

This Civil Revision Petition has been filed challenging the order dated 28.08.2025 passed in I.A.No.8 of 2025 in O.S.No.109 of 2016 on the file of the District Munsif Court, Keeranur.

2.The respondents 1 to 4/plaintiffs have filed a suit in O.S.No. 109 of 2016 for the relief of declaration and permanent injunction along with other reliefs. Pending suit, the petitioners/defendants 1 to 9 filed an application in I.A.No.8 of 2025 under Order XIII Rule 8 and Section 151 of CPC to refer Doc.Nos.1 and 12, as referred in the proof affidavit of D.W1, to the Revenue Divisional Officer, Illuppur, to assess and collect proper stamp duty and to file a report. The said application was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioners would submit that the very same documents, which are now sought to be referred, were filed along with the written statement and as such, in order to prove the case of the defendants, it is necessary to send those documents for determination of stamp duty. He would further submit that even though the respondents raised objections to mark the said documents on the ground that the same are unregistered, in the deed of exchange, dated 15.08.1979, the earlier possession of the petitioners was admitted and as such, registration of documents is not required. He would therefore pray for appropriate orders.

4.The learned counsel for the respondents 1 to 4 would submit that the request of the petitioners to send the unregistered documents for determination of stamp duty is wholly misconceived and contrary to the settled procedure under the law. It is submitted that the unregistered documents, which are not duly stamped, cannot be acted upon or admitted in evidence, unless the deficit stamp duty and penalty are paid as per the procedure established by law. The determination of such duty is to be made through the mechanism provided under the Stamp Act, and not by way of a roving reference to the Revenue Divisional Officer. Hence, he prays for dismissal of this petition.

5.Heard the learned counsel for the petitioners and the learned counsel for the respondents 1 to 4. Records Perused.

6.Admittedly, the petitioners are the defendants in the suit in O.S.No.109 of 2016 filed by the respondents/plaintiffs for declaration and permanent injunction. During the pendency of the suit, the petitioners filed I.A.No.8 of 2025 seeking permission to assess the unregistered documents, namely, i) patta transfer document, dated 17.08.1979 and Varthamana Kai Letter, dated 15.08.1979, to collect proper stamp duty and to file a report by the Revenue Divisional Officer. The said application was dismissed by the trial Court and the same is under challenge herein.

7.The only short point that arises for consideration by this Court is, whether the unregistered document is liable to be sent to assess and collect proper stamp duty?.

8.On a perusal of the entire papers, it is evident that those documents are the unregistered one and require registration. When the documents are the unregistered one, the procedure contemplated under the Indian Stamp Act is clear that the Court itself is bound to impound the document and follow the prescribed procedure for determination and collection of deficit stamp duty and penalty. The said statutory duty cannot be delegated by directing the document to be sent to the Revenue Divisional Officer. In such circumstances, the request made by the petitioners to send the unregistered documents to the Revenue Divisional Officer is legally unsustainable. The Court below has rightly rejected the said application.

9.Accordingly, finding no infirmity or illegality in the order passed by the Court below, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking	: Yes / No	**06.02.2026**
NCC	: Yes / No	
Internet	: Yes / No	
Index	: Yes / No	

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To

The District Munsif, Keeranur.

N.SENTHILKUMAR, J.

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