BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD).No.10 of 2026
and
C.M.P.(MD).No.43 of 2026

Solai ... Petitioner / Petitioner / Defendant

-vs.-

Pethi ... Respondent / Respondent / Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the order dated 11.11.2025 passed in I.A.No.2 of 2022 in O.S.No.294 of 2021 on the file of the learned District Munsif cum Judicial Magistrate Court, Tiruchuli and set aside the same by allowing the civil revision petition.

For Petitioner : M/s.N.Madhangi,
for Mr.I.Suthakaran

For Respondent : M/s.S.Susmitha,
for M/s.Aran Legal Consultancy

ORDER

The present Civil Revision Petition has been filed challenging the impugned order passed in I.A.No.2 of 2022 in O.S.No.294 of 2021 on the file of the learned District Munsif-cum-Judicial Magistrate, Tiruchuli. The said application was filed seeking to mark the fourth document, namely, an unregistered sale deed dated 23.12.1989. Earlier, in I.A.No.3 of 2023 filed by the very same petitioner, the Trial Court had passed the following order:

> *"4(5). On perusing the present case as per the dictum laid by the Hon'ble Supreme Court, as the petitioners herein has come forward to pay the stamp duty penalty, this court is of the view the sale deed dated 23.12.1989 can be admitted in evidence after payment of stamp duty penalty. Hence in the interest of justice this Court is inclined to allow this petition."*

2. Pursuant to the said order, the deficit stamp duty and penalty were paid by the revision petitioner and the same was recorded by the Trial Court as follows:

> *"Stamp duty Rs.897/- and Stamp duty penalty Rs.8970/- are collected and remitted as per challan nos.20231221003615, 20231220028380 dated 22.12.2023."*

3. However, despite compliance with the above direction, the present impugned order came to be passed dismissing the application on the ground that the document cannot be marked as it is an unregistered document.

4. The learned counsel appearing for the revision petitioner would submit that once the deficit stamp duty and penalty have been paid pursuant to the earlier order in I.A.No.3 of 2023, and the same has been recorded by the Trial Court, the document ought to have been admitted in evidence, subject to proof and relevancy.

5. *Per contra*, the learned counsel appearing for the respondent submitted that an unregistered document can be admitted in evidence only in accordance with Section 49 of the Registration Act, provided it is duly stamped.

6. This Court finds that pursuant to the order passed in I.A.No.3 of 2023, the deficit stamp duty and penalty amounting to Rs.8,970/- were paid by the revision petitioner and the same was duly recorded by the Trial Court on 22.12.2023. When such compliance has been made, the subsequent

dismissal of the application without proper verification of the earlier order and compliance thereof is unsustainable.

7. Accordingly, the impugned order passed in I.A.No.2 of 2022 in O.S.No.294 of 2021 on the file of the learned District Munsif-cum-Judicial Magistrate Court, Tiruchuli, is set aside. In view of the above, this Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

20.02.2026

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

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To

The District Munsif-cum-Judicial Magistrate Court,
Tiruchuli.

N.SENTHILKUMAR,J.

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C.R.P.(MD).No.10 of 2026

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