



WEB COPY

CRP No. 5877 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5877 of 2025

AND

CMP NO. 29034 OF 2025

K. Devika

W/o. R.Umachandran,

Old Door No.6/2, New Door No.11, Father Randy

Street, R.S.Puram, Coimbatore-641 002.

..Petitioner(s)

Vs

A.Moorthy

S/o. Avinashiappan,

Represented by his Power Agent Velusamy,

S/o.Avinashiappan,

Door No.8/202, Pasumai Nagar, Thekkalur

Village, Avinashi Taluk, Tiruppur District.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair and Final Order dated 09.10.2025 passed by the Learned IV Additional Subordinate Court, Coimbatore in IA No.10 of 2025 in OS No.1470 of 2023.

For Petitioner(s): Mr.L.Mouli

For Respondent(s): Mr.K.Vasanthanayagan

ORDER

Challenging the impugned order passed in I.A.No.10 of 2025 in O.S.No.1470 of 2023 by the learned IV Additional Subordinate Court, Coimbatore, the Revision Petitioner/defendant preferred this Civil Revision Petition.



2. Before the trial court, the Revision Petitioner/defendant filed an application under Sec.35 r/w Schedule-I Art. 35 of Stamp Act and Sec.151 of C.P.C. to direct the respondent/plaintiff to pay the deficit stamp duty and the same was dismissed by the trial judge holding that the disputed unregistered lease deed has a limited role and the same was submitted by the respondent/plaintiff only for collateral purpose and to establish the landlord and tenant relationship, other than the same, the unregistered lease deed has no use. Aggrieved over that, the revision petitioner/defendant preferred this Civil Revision Petition.

3.The learned counsel for revision petitioner would submit that the respondent/plaintiff has not paid additional stamp duty, without which, he is not entitled to proceed with the claim in dispute. But, the trial judge failed to appreciate the said legal aspect. Hence, he prayed to set aside the findings of trial judge as it is illegal.

4. The learned counsel for respondent/plaintiff also raised objections stating that he filed a suit for recovery of possession and the unregistered lease deed dated 20.12.2019 was relied on by him for collateral purpose and the same was executed for nearly 11 months, for that, the additional stamp duty need not be paid, which is permissible under law. But, the revision petitioner/defendant would contend that the respondent/plaintiff has to compulsorily register the document, without which, he is not entitled to proceed with the matter.



5. Heard and considered rival submissions made by both learned counsel for revision petitioner and respondent and perused the materials available on record.

6. Admittedly, the suit was filed in the year 2023 and all these years, the revision petitioner is said to be in possession based on the lease agreement of the year 2019 and he has not challenged the entire document, on the other hand, he has not paid the rent. Therefore, he is not entitled to raise the said objection at the time of trial and it can be used for collateral purpose by relying the ratio laid down in the authority reported in **2000 (1) L.W. 466**. Hence, the trial judge had rightly dismissed the application, which requires no interference. Accordingly, this Civil Revision Petition is dismissed as no merit. Both parties are directed to cooperate with the proceedings. The trial court is directed to complete the trial and dispose the case within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, connected civil miscellaneous petition is closed.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

The IV Additional Subordinate Court, Coimbatore.



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T.V.THAMILSELVI J.

RPP

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