



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (NPD) (MD) No.163 of 2015

Annamalai

..Petitioner/Plaintiff

Vs.

Raja Kannappan

..Respondent/Defendant

Prayer: Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 13.01.2015 made in unnumbered O.S.SR.No.186 of 2015, on the file of the Subordinate Court, Sivagangai and to direct the trial Court to take the suit on file and dispose of the same in accordance with law.

For Petitioner : Mr.S.Srinivasa Raghavan

ORDER

This Civil Revision Petition is directed against the return of the unnumbered O.S.SR.No.186 of 2015, on the file of the Subordinate Court, Sivagangai.

2. Heard the learned Counsel for the petitioner.

3. The suit is filed for specific performance based on an unregistered sale agreement dated 21.06.2013. The same was returned by the Registry on the ground that the said agreement is not registered and it would be a bar for marking the document for the purpose of proving the main and substantive portion of the suit.

4. It is submitted by the learned Counsel for the petitioner that after the first return, it was taken up in the open Court and it was argued before the learned Judge about numbering this plaint with the unregistered document. It is also pointed out by the learned Counsel for the petitioner that the non-registration of the sale agreement, after the amendment of the Registration Act, would only be a bar for marking the document, for the purpose of proving the contents of the same and there is no impediment in filing a suit based on the unregistered sale agreement. Even a suit for specific performance can be filed based on an oral agreement. While so, the learned trial Judge ought to have numbered the suit and allowed the parties to prove their case during the trial.

5. Taking into consideration the above facts and circumstances of the case, the Subordinate Judge, Sivagangai is directed to take up the plaint on file and number the same and leave open the question to be tried during the course of trial. The petitioner is also directed to represent the plaint within a period of ten days, from the date of receipt of a copy of this order.

6. With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/



To
The Subordinate Judge, Sivagangai.

Copy to the Section Officer, Current Section,
Madurai Bench of Madras High Court, Madurai
(to return the palaint with acknowlegment)

+1cc to Mr.S.Srinivasa Raghvan, Advocate in SR.6568

C.R.P. (NPD) (MD) No.163 of 2015
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