

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA  
RAO**

CIVIL REVISION PETITION NO.4811 OF 2014

**ORDER:**

This Revision is filed under Article 227 of the Constitution of India challenging the docket order dated 26.06.2014 passed in R.C.C.No.1 of 2012 by the Principal Junior Civil Judge-cum-House Rent Controller at Proddatur.

2. The petitioners are respondents in the said R.C.C. filed for their eviction by the respondent herein. During the course of trial, the document, Ex.A4, said to be an unregistered lease deed was marked in the chief examination of P.W.1 for collateral purpose only.

3. Challenging the marking of Ex.A4 by the Court below, this Revision is filed.

4. Counsel for the petitioner contended that Ex.A4, being unregistered, could not have been marked even for collateral purpose. This contention cannot be accepted in view of the proviso to Section 49 of the Registration Act, which states as under.

***"49. Effect of non-registration of documents required to be registered:-*** No document required by Section 17 or by any provision of the Transfer of Property Act, 1882 (4 of 1882) to be registered shall-

- (a) affect any immovable property comprised therein, or*
- (b) confer any power to adopt, or*
- (c) be received as evidence of any transaction affecting such unless it has been registered:*

*Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (1 of 1877) or as evidence of any collateral transaction not required to be effected by registered instrument.”*

The Supreme Court of India in **K.B.Saha & Sons (P) Ltd. v. Development Consultant Ltd.**<sup>[1]</sup> has also stated that under proviso to Section 49 of the Registration Act, an unregistered document can also be admitted into evidence for a collateral fact or collateral purpose. It explained what a collateral purpose is in paragraph No.34 (3 to 5) as under.

- (3) A collateral transaction must be independent of, or divisible from, the transaction to effect which the law required registration.*
- (4) A collateral transaction must be a transaction not itself required to be effected by a registered document, that is, a transaction creating, etc. any right, title or interest in immovable property of the value of one hundred rupees and upwards.*
- (5) If a document is inadmissible in evidence for want of registration, none of its terms can be admitted in evidence and that to use a document for the purpose of proving an important clause would not be using it as a collateral purpose.*

4. Having regard to the said provision of law and the above judgment of the Supreme Court, I do not find any merit in this Revision.

5. Accordingly, the Civil Revision Petition is

dismissed. There shall be no order as to costs.  
Miscellaneous petitions, if any, pending shall stand  
dismissed.

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**(M.S.RAMACHANDRA RAO, J)**

2<sup>nd</sup> April 2015  
RRB

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[\[1\]](#) (2008) 8 SCC 564