



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.R.P. (MD) No.1055 of 2014
and M.P.(MD) No.1 of 2014

Ganesan : Petitioner/Petitioner/1st Defendant

Versus

1.Sariyalammai : 1st Respondent/1stRespondent/Plaintiff
2.Chinnammal : 2nd Respondent/2nd Petitioner/
2nd Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair order and decreetal of District Munsif Court, Aranthangi in I.A.No.530 of 2013 in O.S.No.41 of 2009 dated 24.01.2014.

For Petitioner : Mr.N.Balakrishnan

For 1st Respondent : Mr.R.Paran Jothi

For 2nd Respondent : Mr.K.Baalasundaram

O R D E R

This revision challenges the order passed in I.A.No.530 of 2013 in O.S.No.41 of 2009 on the file of District Munsif, Aranthangi.

2.Petitioner, who is 1st Defendant in the suit preferred the said interlocutory application towards marking an unregistered deed of sale in his favour dated 07.11.2002. It is the case of petitioner that despite knowledge of the unregistered sale deed in his favour, the plaintiff had obtained a registered sale deed from the 2nd defendant and thereafter filed the suit. The action of the plaintiff was malafide.

3.Learned counsel for petitioner submitted that pursuant to earlier proceedings the document presently is sufficiently stamped, after an order of the District Munsif, Aranthangi referring the document to due authority for determination of stamp payable thereon. Learned counsel submitted that Court below dismissed the application on the ground that the same is unregistered. Learned counsel submitted that the purpose behind ~~several~~ unregistered document was not to establish title thereupon, but towards seeking support of the petitioner's case of having been in possession of the property since 2002.



4.Learned counsel for the 2nd respondent on the other hand submitted that in the absence of a registered document, the order of Court below is not be interfered with.

5.A document which attract compulsory registration under Section 17 of the Registration Act, 1908 may, when sufficiently stamped be read in evidence for a collateral purpose. In the instant case, petitioner seeks to establish on the strength thereof, that he is in possession of the property. The Court below is in error in dismissing I.A.No.530 of 2013.

6. Setting aside the order of the Court below, the Court below is directed to mark the sale deed dated 07.11.2002, subject to admissibility, relevance and proof.

7.The Civil Revision Petition is ordered accordingly. No costs. Consequently connected Miscellaneous Petition stands closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif,
Aranthangi.

+One cc to Mr.K.Balasundaram, Advocate, SR.No.25429

sj

RL/3C/2P/CK/21/9/2016

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