

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

C.R.P. (PD) No.2010 of 2014
and M.P.No.1 of 2014

Poomalai

... Petitioner/Plaintiff

Vs.

Ponnusamy

... Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set-aside the order in I.A.No.229 of 2014 in O.S.No.238 of 2010 dated 22.04.2014 on the file of Additional Subordinate Court, Vridhachalam.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.G.Surya Narayanan

ORDER

This Civil Revision Petition is directed against the order in I.A.No.229 of 2014 in O.S.No.238 of 2010 dated 22.04.2014 on the file of the Additional Subordinate Court, Vridhachalam, dismissing the application filed by the petitioner to impound the unregistered document dated 2.2.2006.

2. The petitioner filed a suit for redemption of mortgage on the strength of a document dated 2.2.2006. The suit was contested by the respondent by filing written statement. The petitioner produced an unregistered document dated 2.2.2006 and wanted the trial Court to send the document for adjudication. According to the petitioner, the document being unregistered, it can be validated by paying stamp duty. However, such a course was not adhered to by the trial Court. Feeling aggrieved, the petitioner is before this Court.

3. The learned counsel for the petitioner contended that the document can be used for collateral purpose and as such, the trial Court was not correct in dismissing the application.

4. The petitioner produced the document in question claiming it as a mortgage deed. The plaint proceeds as if the petitioner

wanted a decree on the strength of mortgage deed dated 2.2.2006. Admittedly, the document dated 2.2.2006 is an unregistered one. No decree can be granted on the strength of such unregistered document. The question of sending the document for adjudication does not arise in this case. This aspect was correctly considered by the learned Judge. I do not find any error or illegality in the said order warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected MP is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

suk

To

Additional Subordinate Court, Vridhachalam.

+1cc to Mr.V. Raghavachari, Advocate Sr. 17706

+1cc to Mr. G. Surya Narayanan, Advocate Sr. 17624

C.R.P.No.2010 of 2014

VGII (CO)
VR(21/4/2017)

सत्यमेव जयते

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