

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMAINAM

C.R.P.(P.D.) No.2263 of 2014
and
M.P.No.1 of 2014

Shivaji

... Petitioner

Vs.

1.Gowramm

2.Ramesh

3.Roopa

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order of the learned District Munsif of Krishnagiri dated 11.10.2013, in I.A.No.852 of 2013 in O.S.No.153 of 2013.

For Petitioner : Mr.V.Nicholas

For Respondents: No appearance

ORDER

The Revision Petitioner filed a suit in O.S.No.153 of 2013 for declaration and injunction.

2.During the pendency of the Suit, an Interlocutory Application was filed seeking permission of the trial Court to admit a document viz. " சம்பந்த ஆவணம்" dated 18.6.2002 in the Suit. The trial Court considering the nature of the document, rejected the petition on the ground that the said document conferring a right ought to have been registered and un-registered documents which are not properly stamped cannot be admitted as a valid document when it confers right in favour of another person.

3.The learned counsel appearing for the petitioner contended that the document was signed by the respective parties and therefore, he has to mark the same in order to establish his case.

4.However, this Court is of the opinion that the fact remains that the document sought to be marked is an unregistered document and on a reading of the document which is enclosed in page No.1 of the paper book filed along with the Civil Revision Petition shows that

it confers a right of usage by the parties. When a right is conferred in favour of a person, such a document is to be properly stamped and registered. In the absence of registration, the document cannot be marked as a valid evidence in the Suit. Such being the legal principle this Court is not inclined to consider the grounds of revision and there is no infirmity in the order passed by the trial Court.

5. Accordingly, the order passed in I.A.No.852 of 2013 in O.S.No.153 of 2013, is confirmed and the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

24.02.2017

rpa

To

The learned District Munsif,
Krishnagiri

S.M.SUBRAMANIAM,J.

rpa

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