

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.06.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.4335 of 2014

R.Sathish : Petitioner

versus

1.Kumari

2.Asokan

3.Devendhiran

4.Nagesh : Respondents

PRAYER: Revision filed against the order dated 23.7.2014, in I.A.No.97/2014 in O.S.No.31 of 2012 on the file of the Sub Court, Gudiyattam, Vellore District.

For petitioner :: Mr.V.Perumal
for Mr.T.Dhanyakumar

For respondents :: Mr.N.S.Suganthan

ORDER

The petitioner filed a suit for declaration on the strength of an unregistered document. The suit was opposed by the respondents. Before the Trial Court, the petitioner produced an unregistered document along with his chief affidavit. When an attempt was made to mark the said

document, the respondents filed an application in I.A.No.97 2014 to reject the document, on the ground that it is inadmissible in evidence. The petition was allowed by the Trial Court. Feeling aggrieved by the order dated 23 July 2014, the petitioner is before this Court.

2. The learned counsel for the petitioner contended that the predecessor-in-interest of the petitioner purchased the property on the strength of an unregistered document. Subsequently, the petitioner purchased the said property. According to the learned counsel, the document was intended to be marked to prove the purchase by the predecessor-in-interest. The learned Trial Judge was therefore not correct in allowing the application filed by the respondents.

3. The learned counsel for the respondents on the other hand contended that the primary object of production of the document in question was to prove the title. The learned Trial Judge was therefore correct in allowing the application filed by the respondents.

4. The suit in O.S.No.31 of 2012 was filed by the petitioner on the strength of an unregistered document. It is true that there are several properties included in the plaint schedule. The unregistered document was produced to prove the title in respect of the schedule property. Since the declaration was sought on the basis of an unregistered document, the Trial

Court was correct in rejecting the said document at the instance of the respondents. There was no other purpose other than proving title, by producing an unstamped and unregistered document. The Trial Court was therefore perfectly correct in endorsing the view expressed by the respondents with regard to the unregistered document. 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.

5. In the upshot, I dismiss the civil revision petition. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

21.06.2017

Index:Yes/no
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To
The Sub Court, Gudiyattam, Vellore District.

K.K.SASIDHARAN, J.

(tar)

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