

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

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

C.R.P.(PD).No.1465 and 1466 of 2013
and M.P.No.1 of 2013

1.Alam Ameer Ali
2.Hakkim Meera

...Petitioners in both CRPs.

Vs

1.R.Arasan
2.A.Anandhavel
3.A.Azhakanandan
4.A.Arulmozhiselvan
5.K.Arivazhagan
6.Ethiraj

...Respondents in both CRPs.

Prayer:- Civil Revision Petitions filed under Article 227 of Constitution of India, to allow the Revision Petitions and set aside the judgment and decree dated 11.01.2013 passed by the Learned Principal District Munsif, Chidambaram, in I.A.Nos.568 and 569 of 2012 in O.S.No.317 of 2006.

For Petitioners : Mr.S.Prakash (for P1)
Mr.Hakkim Meera (for P2)

For Respondents : Mr.A.Muthukumar for R1

COMMON ORDER

The petitioners filed a suit for declaration and consequential injunction on the basis of an unregistered document dated 13 April 1987. Before the trial Court, the petitioners made an attempt to mark the unregistered document.

The trial Court dismissed the said application for want of registration and payment of stamp duty. The respondents filed an application before the trial Court with a prayer not to permit the petitioners to mark the said document. The trial Court allowed the said application. The orders are under challenge in these Civil Revision Petitions.

2. The learned counsel for the petitioners contended that the document was intended to be marked only for the purpose of proving possession and as such, the trial Court was not correct in dismissing the application.

3. The learned counsel for the respondents contended that it was only to prove the title that the petitioners produced the document in question and as such, it cannot be said that the document is admissible in evidence.

4. The suit in O.S.No.317 of 2006 was laid on the basis of a sale agreement dated 13 April 1987. According to the respondents, the recitals in the document dated 13 April 1987 would go to show that it is actually a sale deed and not a sale agreement. In any case, the very suit was laid by the petitioners on the strength of the document dated 13 April 1987. The declaration was sought by the petitioners on the strength of the said document. There is no collateral purpose, in view of the fact that the very prayer for title was on the basis of the said agreement. I am therefore, of the

view that the trial Court was correct in dismissing the application.

In the upshot, I dismiss the Civil Revision Petitions. No costs.
Consequently, connected civil miscellaneous petitions are closed.

14.06.2017

dna/gms

To

The Principal District Munsif,
Chidambaram.

K.K.SASIDHARAN,J.

dna/gms

**C.R.P.(P.D.) Nos.1465
and 1466 of 2013**

14.06.2017

<http://www.judis.nic.in>