

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

CRP(NPD).No. 1297 of 2018 and  
C.M.P.No.6705 of 2018

Andjale ... Petitioner/Petitioner/  
3rd Party/Petitioner  
Vs.

1. Sambantham ... Respondent/Respondent/  
Petitioner/Petitioner

2. Dhansingh @ Subramanian ... Respondent/Respondent/  
Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree dated 22.02.2018, made in E.A.No.11 of 2018 in R.C.E.A.No.1691 of 2017 in R.C.E.P.No.14 of 2012 in H.R.C.O.P.No.28 of 2008, on the file of the Principal District Munsif, Pondicherry.

For Petitioner : Mr.A. Gouthaman

For Respondents : Admission Stage itself

O R D E R

The first respondent is the decree holder and he has filed an Execution Petition to execute the decree dated 22.02.2018 in R.C.E.P.No.14 of 2012 in R.C.O.P.No.28 of 2008 on the file of the Principal District Munsif Court, Pondicherry.

2. When the execution proceeding is pending, the revision petitioner herein/third party to the proceedings filed an application in E.A.No.1691 of 2017 under Order XXI Rule 97 CPC, since he was in possession of the property and resisted to deliver the property therein. During the pendency of the application, he also filed another application in E.A.No.11 of 2018 to produce the original unregistered sale deed, dated 22.11.1993. The executing Court rejected the said application. Being aggrieved with the order passed by the executing court, the present revision petition has been filed by the petitioner.

3. According to the learned counsel appearing for the petitioner, the property originally belongs to Pondicherry Municipality. The petitioner purchased the property and subsequently it was sold to second respondent. Therefore, the unregistered sale deed dated 22.11.1993, would prove the fact that the petitioner is in possession of the property and the petitioner wants to mark the document to establish his title over the property.

4. Heard the learned counsel for the petitioner and perused the records.

5. It is settled law that if the sale consideration is more than 100/- rupees through unregistered sale deed title cannot be conveyed. However, the title and possession can be decided in the proceedings under Order XXI Rule 101 of CPC by the executing Court. The document sought to be produced is not legally valid document. The possession has to be proved in the manner known to law. Hence, the executing court had dismissed the application and whatever the observation made by the executing court in E.A.No.11 of 2018 may not be considered while deciding the E.A.No.1691 of 2017 and without being influenced by any of the observations made by this Court in the revision and also the executing court in the earlier application filed in E.A.No.11 of 2018. The executing court is directed to decide in E.A.No.1691 of 1992 in accordance with law.

6. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Principal District Munsif,  
Pondicherry.

2. The Section officer  
VR Section, High Court, Madras 104.

CRP(NPD).No. 1297 of 2018

BR(CO)  
SP(14/08/2018)