

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28 .11.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P.(PD) No.2207 of 2016

M.Ramachandran

...petitioner

Vs.

M.Palani

.... Respondent

PRAYER Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the docket Order dated 26.02.2016 made in O.S.S.R.No.1471 of 2016 by directing the Subordinate Judge, Hosur to take the Suit on the file and adjudicate the disputes in accordance with law.

For petitioner : Mr.R.Bharath Kumar

For Respondent : No appearance

ORDER

In view of the proviso to section 49 of the Registration Act, 1908 which empowers the Court to receive the unregistered document in evidence, the endorsement of the Registry of the Subordinate Court, Hosur cannot be proper. Furthermore, the issue with regard to the sanctity of an unregistered sale agreement cannot be questioned by the Registrar and it is a matter for the trial court to decide. There is no provision contemplated either in Civil Procedure Code or the Civil Rules of practice, empowering the Registry to raise such issues. Hence, the learned Subordinate Judge is called upon to instruct his Registry to refrain from raising these kind of questions on maintainability while at the time of numbering the petition, which is the power vested with the Court.

2. Hence the learned Subordinate Judge, Hosur is called upon to instruct the Registry to number the suit in O.S.S.R.No.1471 of 2016 within a period of one week, if it is otherwise in order.

3. With the above observations, this Civil Revision Petition is ordered.

No costs.

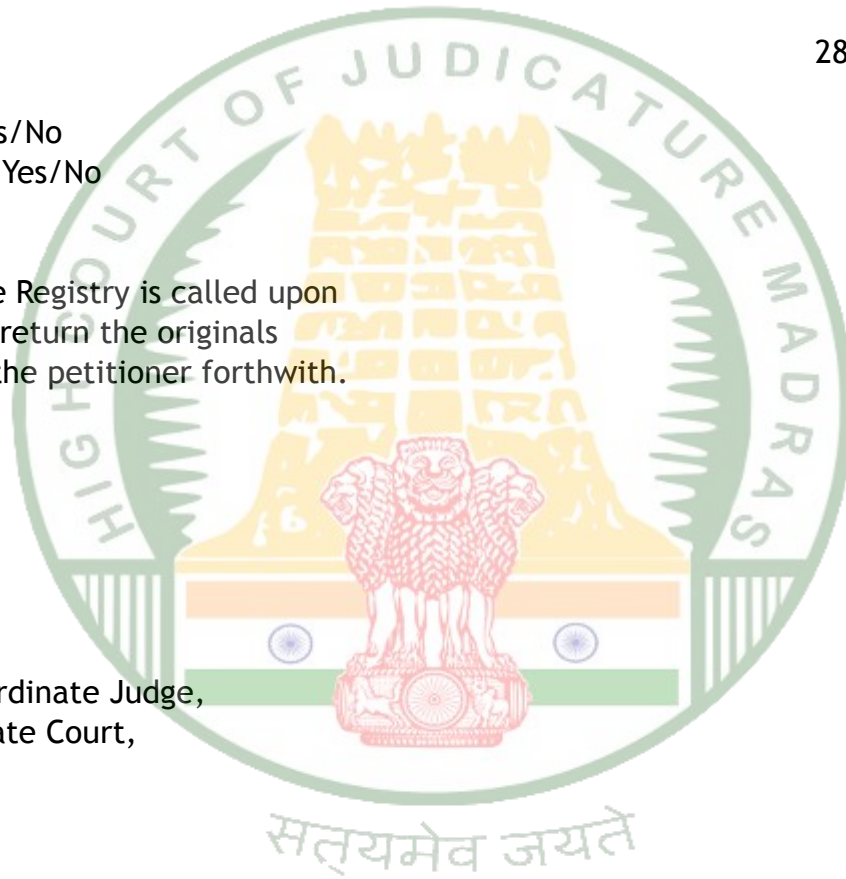
28.11.2018

Index: Yes/No
Internet: Yes/No
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Note: The Registry is called upon
to return the originals
to the petitioner forthwith.

To

The Subordinate Judge,
Subordinate Court,
Hosur.



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M.S.RAMESH. J.,

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