



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.2126 of 2017

and

C.M.P. (MD) No.10560 of 2017

P.Vijayalakshmi

...Petitioner/Petitioner/Defendant

Vs.

V.Kalyani

...Respondent/Respondent/Plaintiff

PRAYER: Petition filed under Article 227 of Constitution of India, to call for the records pertaining to the fair and decreetal order dated 21.08.2017 in I.A.No.203 of 2017 in O.S.No.106 of 2016 on the file of Principal District Judge, Tiruchirappalli and set aside the same and allow this Civil Revision Petition with cost.

For petitioners: Mr.H.Lakshmi Shankar

For respondent : Mr.S.Madhavan

ORDER

The defendant in O.S.No.106 of 2016 on the file of the learned Principal District Judge, Tiruchirappalli, is the revision petitioner herein. The revision petitioner herein filed I.A.No.203 of 2017 for rejection of a certain document. The said I.A., was dismissed by order dated 21.08.2017. Challenging the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3.The document in question is a deed of mortgage. Therefore, it requires registration. In this case, the document in question has not been registered. Therefore, it cannot be used in evidence, for its primary purpose. It can be used only for collateral purpose. That would again be subject to Section 35 of the Evidence Act. Upon the plaintiff paying stamp duty and penalty, it can be received in evidence and used for collateral purpose.



4.The learned counsel for the revision petitioner submits that in this case there cannot be any collateral purpose. This is a matter that is left to arguments to be made before the Court below.

WEB COPY

5.Reserving the rights of the revision petitioner, this Civil Revision Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS-III)

To

Principal District Judge,
Tiruchirappalli.

+ 1 CC TO MR.H.LAKSHMI SHANKAR, ADVOCATE IN SR NO.82590
+ 1 CC TO MR.S.MADHAVAN, ADVOCATE IN SR NO.82389

PNN

BU/RP/SAR-III : 10.10.2018 : 2P/4C

ORDER MADE IN
C.R.P. (PD) (MD) .No.2126 of 2017
and
C.M.P. (MD) No.10560 of 2017
05.09.2018