



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.207 of 2016 (PD)

and

CMP(MD)No.881 of 2016

Delcy Michael

... Revision Petitioner/Plaintiff

**Vs.**

A.John Dinakar

... Respondent/Defendant

**Prayer :** This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A No.260 of 2015 in O.S No.73 of 2014 on the file of the Principal District Court, Tirunelveli dated 03.11.2015.

For Petitioner

: Mr.T.Selvan

For Respondents

: Mr.S.Meenakshi Sundaram,  
Senior Counsel  
for Mr.R.T.Arivukumar

### ORDER

The plaintiff in O.S No.73 of 2014 on the file of the learned Principal District Judge, Tirunelveli is the revision petitioner herein. It is a suit for directing the defendant to pay plaintiff a sum of Rs.18,36,000/- with interest. According to the plaintiff, she executed a power of attorney in favour of the defendant for selling an item of property. According to her, the defendant owes to pay her a sum of Rs.15,00,000/- and since the said amount was not paid, the suit came to be laid. During trial, the defendant wanted to mark a receipt dated 31.08.2007. In this regard, he filed I.A No.260 of 2015. The court below by order dated 03.11.2015 allowed the said I.A. Questioning the correctness of the said order, this Civil Revision Petition came to be filed by the revision petitioner/plaintiff.

2.Heard the learned counsel for the petitioner and the learned Senior Counsel appearing for the respondent.

3.According to the learned counsel for the revision petitioner, the document in question is a power of attorney coupled with interest and therefore, it cannot be allowed to be marked.



4.As rightly pointed out by the learned Senior Counsel appearing for the respondent, the power of attorney was already marked as Ex.A 1 and it is dated 27.08.2007. The document in question admittedly came into existence only a few days later. The only question that arises for consideration in the suit is whether the sale amount was paid to the plaintiff or not. The document in question, on the face of it, is a receipt and there is not question of passing of title in terms thereof. Hence, it does not require any registration.

5.The court below was justified in allowing I.A No.260 of 2015 filed by the respondent herein. Affirming the reasons given by the court below, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Cs-I)

/True Copy/

Sub Assistant Registrar(Cs-I)

To

The Principal District Judge, Tirunelveli.

+1cc to Mr.T.Selvan, Advocate Sr.No.80741

+1cc to Mr.R.T.Arivukumar, Advocate Sr.No.80458

SKM

VB/SKN/SAR1/27.09.2018/2P/4C

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