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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2018

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.2017 of 2018

and

C.M.P. (MD) No.8920 of 2018

1. Nagammal

2. Palanivelmurugan

... Petitioners/Petitioners/
Defendants

Vs.

P.J.Akalya

... Respondent/Respondent/
Plaintiff

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 07.07.2018 made in I.A.No.553 of 2017 in O.S. No.183 of 2015 on the file of the Principal District Judge, Tiruchirappalli and allow the Civil Revision petition.

For Petitioners : Mr.P.Arun Jayatram

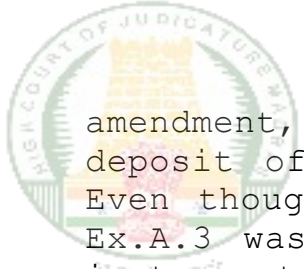
For Respondent : No appearance.

O R D E R

The defendants in O.S.No.183 of 2015 on the file of the Principal District Judge, Tiruchirappalli, are the Revision petitioners herein. It is a suit for foreclosure of mortgage. In the said suit, the plaintiff marked Ex.A.3. It has been styled as a document of deposit of title deeds. To reject the said document as inadmissible in evidence, the defendants filed I.A.No.553 of 2017. The Court below by order dated 7.07.2018 dismissed the said Interlocutory application. Questioning the same, the Civil Revision petition has been filed.

2. Though the respondent/plaintiff has been served and her name is also printed in the cause list, she has not chosen to enter appearance either in person or through counsel.

3. The learned counsel appearing for the Revision petitioners pointed out that a bare reading of the contents of Ex.A.3 would show that the Revision petitioners had availed a sum of Rs.11,00,000/- from the respondent Akalya and that on 05.02.2015, they had executed a Promissory Note in that regard. They had also deposited the title deeds on 02.02.2015. In order to confirm the deposit of title deeds, Ex.A.3 was executed on 09.02.2015. The learned counsel drew the attention of this Court to the Registration (Tamil Nadu Amendment) Act, 2012, by which Section 17 of the Registration Act has been amended. As per the said



amendment, instruments evidencing an agreement relating to the deposit of title deeds will have to be compulsorily registered. Even though the title documents were deposited on 02.02.2015 and Ex.A.3 was executed on 09.02.2015, it is obvious that it is an instrument that evidences an agreement relating to the deposit of title deeds.

4. In this view of the matter, this Court has to necessarily hold the document in question to be compulsorily registered. In as much as it was not registered, it cannot be received as in evidence. Merely because the defendants did not raise their objections at that time when it was marked, the Court below could not have declined to allow the Interlocutory application in question.

5. In this view of the matter, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Principal District Judge,
Tiruchirappalli.
2. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Arun Jayatram, Advocate Sr.No.89112

PMU

VB/RP/SAR1/19.11.2018/2P/5C

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