

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.6879 of 2017

ORDER:

This civil revision petition is filed by the plaintiff, under Article 227 of the Constitution of India, assailing the order dated 07.11.2017 passed in O.S.No.241 of 2008 on the file of the Principal Junior Civil Judge Court, Janagaon.

2. Heard the learned counsel for both the parties.

3. The point that arises for consideration in this revision petition is:

Whether there is any illegality, irregularity or impropriety in the impugned order?

4. The petitioner filed the suit against the respondents seeking perpetual injunction in respect of the suit schedule property. The first respondent filed written statement *inter alia* contending that the suit is liable to be dismissed. During the course of trial, the petitioner examined himself as P.W.1 and tendered an unregistered partition deed 29.1.1997 for the purpose of marking on his behalf. The first respondent has taken an objection on the ground that the document in question requires registration; therefore, it cannot be marked. The trial Court, after affording reasonable opportunity to both the parties, arrived at a conclusion that the document in question is a partition deed, which requires registration under Section 17 of the Registration Act, and accordingly upheld the objection of the first respondent. Hence, the revision.

5. This Court carefully perused the record. The petitioner is intending to mark the partition deed dated 29.1.1997. It is needless to say that a partition deed requires registration. It is a settled principle of law that an unregistered document, which requires registration, cannot be admitted in evidence. When a document is not admissible in evidence, the question marking the same does not arise. The trial Court has considered the material available on record, in the light of Section 17 of the Registration Act and Section 35 of the Indian Stamp Act, and upheld the objection of the first respondent. The trial Court has assigned reasons much less cogent and valid reasons to its findings. I am fully endorsing the findings recorded by the trial Court. There is no illegality, irregularity or impropriety in the impugned order, which warrants interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

6. In the result, the civil revision petition is dismissed. Miscellaneous petitions, if any pending in this revision shall stand closed.

T.SUNIL CHOWDARY, J

Date: 15.12.2018

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