

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.1309 OF 2017
and
C.M.P.No.6079 OF 2017

Janakiraman

... Petitioner

Vs.

1.Ranga Reddi

2.Rajamani

3.Chinamurthy Ammal

4.Felix Kabiriyel Mark (Minor)

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 18.10.2016 in I.A.No.147 of 2016 in O.S.No.126 of 2007 on the file of Principal Sub Court, Tindivanam.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent -1 : Mr.K.Elango

For Respondents 2 – 4 : No Appearance

ORDER

Aggrieved over the order refusing to impound the unstamp and unregistered document, the petitioner is before this Court.

2. According to the petitioner, the Trial Court has dismissed the petition filed by him on the ground that the unstamp and unregistered document could be relied on by the parties and if it is objected it can be considered at the time of passing judgment.

3. The learned senior counsel appearing for the petitioner would contend that an unstamped document is not admissible in evidence and therefore it shall be impounded. Insofar as, the petition is concerned, the said document is a partition deed, and therefore it is an admissible evidence.

4. Per contra, the learned counsel for the respondent would submit that it is not the partition deed. In fact, it is a Memorandum of Understanding pursuant to the preliminary decree passed in the partition suit, between the same parties in. O.S.No.214 of 1988 dated 28.08.1989.

5. A reading of the objected document goes to show that the parties have entered into an arrangement on the basis of preliminary decree obtained as mentioned above. The trial Court has found that these aspects can be canvassed before the trial Court, at the time of arguments. I do not find any infirmity in the order passed by the Trial Court. Since the document is marked for objection, this issue can be raised before the trial Court and the trial court will take up legal statement made by both parties as to whether the document it can be

relied on or not relied, at the time of passing judgment.

6. In fine, the Civil Revision Petition is dismissed accordingly.
No costs. Consequently, connected civil miscellaneous petition is closed.

05.08.2019

Index: Yes/No
Speaking Order/Non Speaking order.
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To

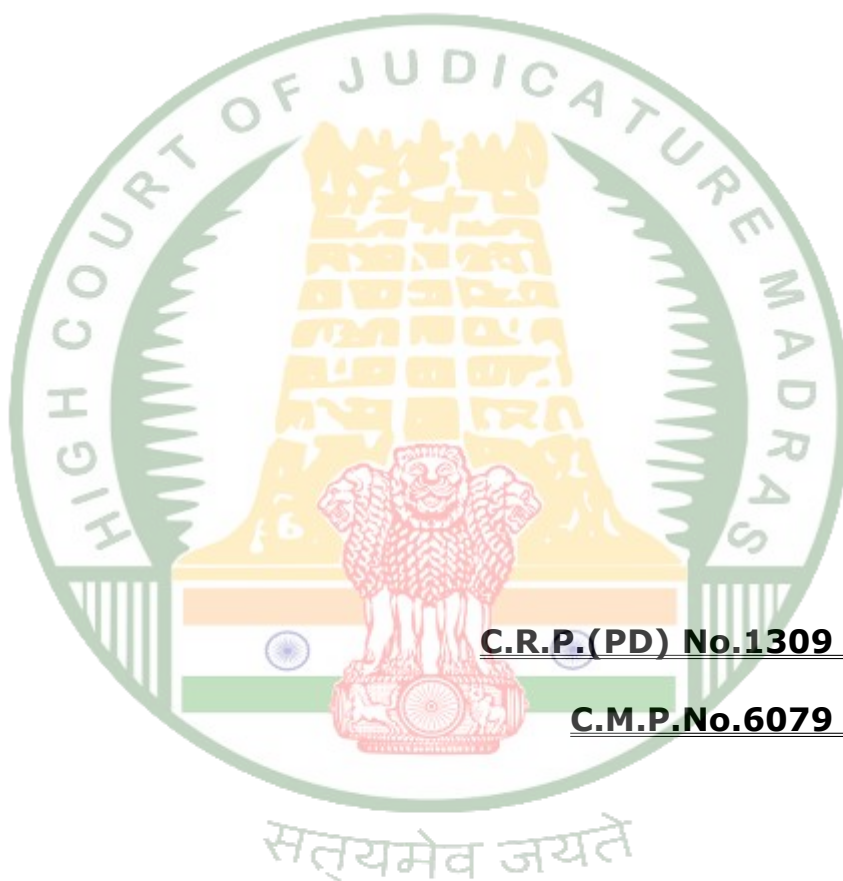
1. The file of Principal Sub Court, Tindivanam.



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M.GOVINDARAJ, J.

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