

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No. 2420 of 2018

and

C.M.P.No.14890 of 2018

Amudha

...Petitioner

Vs.

Kannappan

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 27.04.2018 passed in I.A.No.354 of 2017 in O.S.No. 162 of 2014 on the file of the Sub-Court, Madurantagam.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.N.Nagu Sah

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ORDER

The petitioner, who is a defendant in O.S.No.162 of 2014, a suit for specific performance of an unregistered release deed dated 15.03.2006, has come up with this revision challenging the dismissal of an application seeking rejection of the document namely the unregistered release deed marked during examination of the plaintiff.

2. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner.

3. The application in I.A.No.354 of 2017 has been dismissed by the Trial Court on the ground that the document has been marked subject to objection and even an unregistered instrument can form the basis for seeking the relief of specific performance in view of proviso to Section 49 of the Indian Registration Act. The Court has not overruled the objections raised by the petitioners. The trial Court has only held that the objections could be considered at the proper stage.

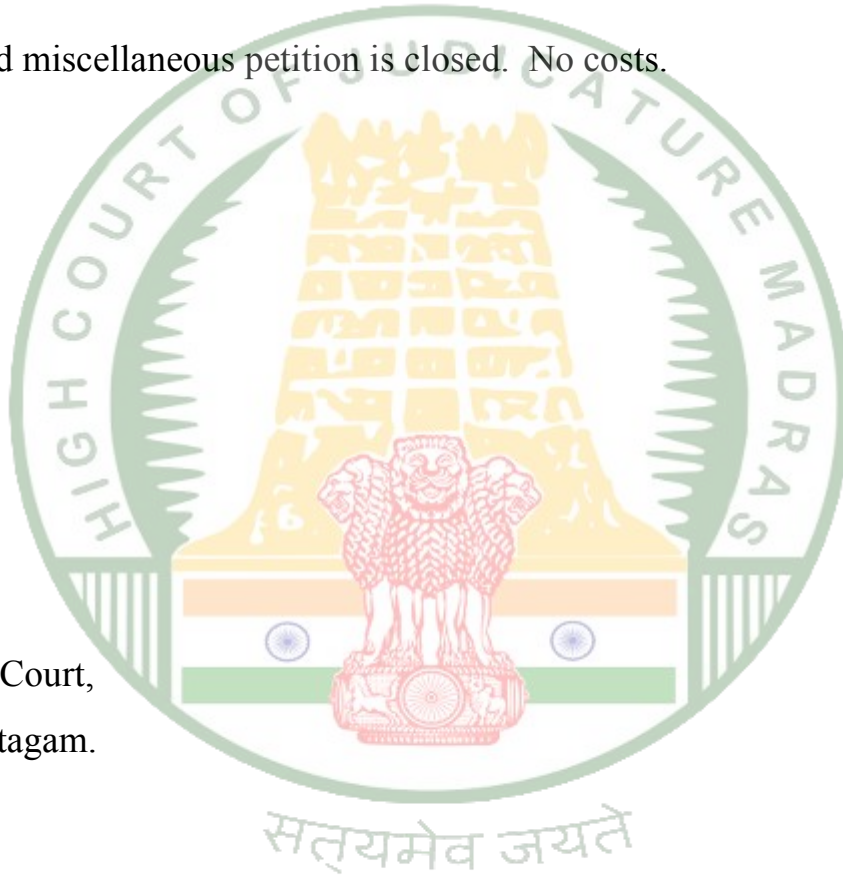
4. Mr.K.Govi Ganesan would invite me to go into the document and pronounce upon its validity. I do not think that exercise can be done in the revision filed under Article 227 of the Constitution of India. Hence, this civil revision petition fails and it is accordingly dismissed. Consequently, connected miscellaneous petition is closed. No costs.

kkn

To:-

The Sub-Court,
Madurantagam.

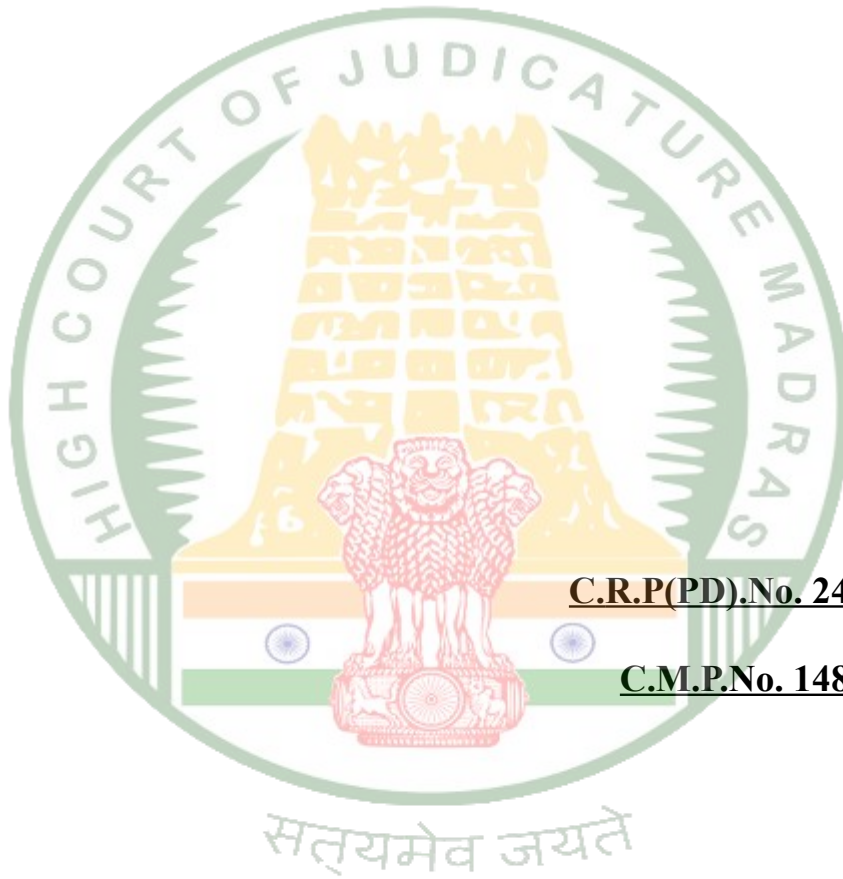
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R.SUBRAMANIAN, J.

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