



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON: 29.08.2019
PRONOUNCED ON: 02.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (MD) No. 1493 of 2011

and

M.P. (MD) No. 1 of 2011

Amertham : Petitioner/Petitioner/Plaintiff

Vs.

1.Thannace
2.Palaiya : Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order, dated 24.03.2011 passed in I.A.No.112 of 2011 in O.S.No.219 of 2010 on the file of the Additional District Munsif Court, Sankarankovil.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.D.Nallathambi
For Respondents : Mr.M.Thirunavukarasu

ORDER

The revision petitioner filed a suit in O.S.No.219 of 2010 on the file of the Additional District Munsif Court, Sankarankovil, for declaration of his title and consequential permanent injunction restraining the defendants/respondents herein from interfering with his peaceful possession and enjoyment of the suit property. The suit property is an extent of 0.55.5 Hectares equivalent to 1 acre 37 cents in Survey No.1051/1 in Kalingapatti Revenue Village within Tenkasi Registration District.

2.The case of the revision petitioner in the plaint is that an extent of 1 acre 58 cents on the northern side of Survey No.1050/1 belong to one Krishna Thevar and others who sold the same to the first defendant by a registered sale deed dated 21.01.1963. It is contended that the remaining extent of 78 cents on the southern side of Survey No.1050/1 belonged to the plaintiff by virtue of a registered settlement deed stated to have been executed by one Marimuthu. It is the further case of the revision petitioner that out of the extent of 1 acre 58 cents purchased by the first defendant, the plaintiff purchased 1 acre by a sale deed



executed by the first defendant in his favour. Stating that the plaintiff orally gifted an extent of 39 cents in favour of his brother out of 78 cents he got under the gift deed dated 25.09.1971, it is the case of plaintiff that he is entitled to 1 acre 39 cents in Survey No.1050/1. The further case of petitioner is that a common well was dug by him in an extent of 2 cents out of 1 acre 39 cents and another two cents from the holding of the first defendant and that the plaintiff thereafter is entitled to the suit property measuring 1 acre 39 cents in Survey No.1050/1. The second defendant is the son of first defendant.

3. Defendants filed a written statement specifically denying all the averments made in the plaint para-wise. During the pendency of the suit, the petitioner filed a petition in I.A.No.112 of 2011 for marking a document namely an unregistered sale deed dated 25.11.1973. The said petition was contested by the respondents on the ground that the alleged sale deed dated 25.11.1973, which is neither stamped nor registered, is inadmissible in evidence and that the said document cannot be admitted for any collateral purpose as the petitioner claim title and possession only on the basis of the said document. In the additional written statement, the respondents raised an issue regarding the genuineness of the transaction namely the unregistered sale deed dated 25.11.1973.

4. The trial Court, after considering several precedents, dismissed the petition mainly on the ground that the unregistered and unstamped document, which is relied upon to prove one's title, cannot be admitted in evidence even to prove collateral transaction. Aggrieved by the same, the above Civil Revision Petition is preferred by the plaintiff in the suit.

5. The learned Counsel appearing for the revision petitioner though admits that the document, namely, the sale deed dated 25.11.1973 is unregistered and unstamped, submitted that as per proviso to Section 49 of the Registration Act, 1908, an unregistered document affecting immovable property can be received in evidence for any collateral transaction which is not required to be effected by registered instrument. The learned Counsel concedes the legal position that an unstamped and unregistered document cannot be admitted in evidence even for a collateral purpose. The learned Counsel appearing for the petitioner relied upon a judgment of the Privy Council in **Varada Pillai v. Jeevaathinammal** reported in **XLIII Madras 244 (PC)** wherein the position is explained by referring to an illustration as under:

"...An illustration for the point wherein an unregistered deed of gift requiring registration under Section 17 was admitted in evidence not to prove the gift but to explain by



who held the land and who claimed it, not by virtue of her deed of gift but on another title, that of adverse possession. He described the collateral transaction as under:

"A Collateral transaction means, I think, a transaction other than the transaction affecting the immovable property but which is in some way connected with it."

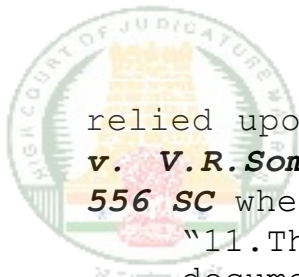
6.The unregistered deed of gift was held to be admissible in evidence not to prove the gift but to explain by referring to it the character of the possession of the lady who hold the land and who claimed it, not by virtue of a deed of gift but on another title that of adverse possession.

7.Taking clue from the illustration found in the judgment of the Privy Council, the learned Counsel appearing for the petitioner submitted that the petitioner who has pleaded adverse possession is entitled to rely upon the document of unregistered sale deed not for the purpose of proving title but for the purpose of proving his claim of title by adverse possession. The learned Counsel for the petitioner tried to explain the meaning of the phrase "collateral" as "additional but subordinate, secondary" by relying upon Oxford Dictionary and Thesaurus Indian Edition 2007.

8.The learned Counsel appearing for the petitioner then relied upon the judgment of the Hon'ble Supreme Court in **Bondar Singh and others v. Nihal Singh and others** reported in (2004) 1 LW 706 wherein it has been held as follows:

"The main question as we have already noted is the question of continuous possession of the plaintiffs over the suit lands. The sale deed dated 9.5.1931 by Fakir Chand, father of the defendants in favour of Tola Singh, the predecessor interest of the plaintiff, is an admitted document in the sense its execution is not in dispute. The only defence set up against said document is that it is unstamped and unregistered and therefore it cannot convey title to the land in favour of plaintiffs. Under the law a sale deed is required to be properly stamped and registered before it can convey title to the vendee. However, legal position is clear law that a document like the sale deed in the present case, even though not admissible in evidence, can be looked into for collateral purposes. In the present case the collateral purpose to be seen is the nature of possession of the plaintiffs over the suit land. The sale deed in question at least shows that initial possession of the plaintiffs over the suit land was not illegal or unauthorized."

9.The learned Counsel appearing for the petitioner then



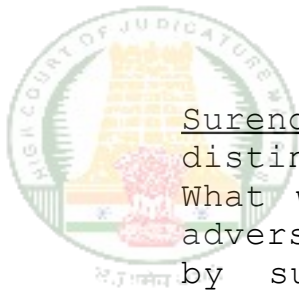
relied upon a decision of the Hon'ble Supreme Court in **S.Kaladevi v. V.R.Somasundaram and others** reported in **2010 (3) MWN (Civil) 556 SC** wherein it has been held as under:

"11. The main provision in Section 49 provides that any document which is required to be registered, if not registered, shall not affect any immovable property comprised therein nor such document shall be received as evidence of any transaction affecting such property. Proviso, however, would show that an unregistered document affecting immovable property and required by 1908 Act or the Transfer of Property Act, 1882 to be registered may be received as an evidence to the contract in a suit for specific performance or as evidence of any collateral transaction not required to be effected by registered instrument. By virtue of proviso, therefore, an unregistered sale deed of an immovable property of the value of Rs.100/- and more could be admitted in evidence as evidence of a contract in a suit for specific performance of the contract. Such an unregistered sale deed can also be admitted in evidence as an evidence of any collateral transaction not required to be effected by registered document. When an unregistered sale deed is tendered in evidence, not as evidence of a completed sale, but as proof of an oral agreement of sale, the deed can be received in evidence making an endorsement that it is received only as evidence of an oral agreement of sale under the proviso to Section 49 of 1908 Act."

10. The learned Counsel appearing for the petitioner, apart from the above judgments, has placed reliance on the following judgments and the relevant portions of the judgments are extracted in the following order.

11. In the case of **Liladhar v. Siaram and another** reported in **AIR 1976 Allahabad 213** the Allahabad High Court has held as under:

"9. The second contention raised before me was that the courts below have relied on the sale deed dated 16-5-1954 executed by Zalil Uddin in favour of Kishan Swarup the predecessor of the plaintiffs. This deed was unregistered and, therefore, it was inadmissible in evidence. Nonetheless it was admissible to show the nature of the possession of the vendee. The learned counsel for the appellant challenged this proposition, and advanced argument that the deed dated 16-12-1954 Paper No. 38 was totally inadmissible in evidence and it could not be seen even for the purposes of possession also and reliance was placed on two rulings reported in **Asaram v. Smt. Ram** 1958 SC 183) and **Bhawani Prasad v. Smt.**



Surendra Bala, (AIR 1960 All 126). The above rulings are distinguishable on the peculiar facts of those cases. What was held in those rulings was that once a party's adverse possession commences, it could not be disturbed by subsequent inadmissible documents which made the previous adverse possession permissible. These rulings are not the authority for the proposition that no unregistered document can be considered at all for seeing the possession of the party entering into the possession on the basis of it."

12. The Andhra Pradesh High Court in the case of **P.M. Anand Babu and others v. Mir Akbar Ali Khan and another** reported in **AIR 2004 AP 243** has held as under:

"9. It is explicit from the pleadings of the parties therein that there is no dispute with regard to the possession of the property by the plaintiff. The dispute is whether the plaintiff is in possession of the property as a mortgagee or as a purchaser. Coming to the facts of the case on hand, the suit filed by the petitioner/plaintiff is one for injunction simplicitor. The petitioners/ plaintiffs relied on the unregistered sale deeds to prove the fact of their possession. Therefore, the facts in the cited case and the case on hand are distinctive and the proposition of law laid down in the cited case has no application to the facts of the case on hand. The Supreme Court in Bondar Singh v. Nihal Singh, , held as follows:

"Under the law a sale deed is required to be properly stamped and registered before it can convey title to the vendee. However, legal position is clear that a document like the sale deed in the present case, even though not admissible in evidence, can be looked into for collateral purposes. In the present case the collateral purpose to be seen is the nature of possession of the plaintiffs over the suit land."

The facts in the above case are that the plaintiffs claim title to the land in suit on the basis of the plea that they had become its owners by adverse possession. The land was owned by one Fakir Chand, predecessor-in-interest of the appellants therein (defendants in the suit). Fakir Chand sold the land to Tola Singh, predecessor-in-interest of the plaintiffs by an unstamped and unregistered sale deed dated 9-5-1931. The plaintiffs claim to have entered into possession of the land on the basis of the said sale deed and they claim to be continuously in possession since then. The defendants tried to dispossess the plaintiffs, which led to the suit being filed by them on 15-4-1972. In the written



statement filed by the defendants, they denied the sale of land by their father Fakir Chand to Tola Singh. They denied possession of the plaintiffs of the suit land. They also took the plea that the alleged sale deed was false, fictitious and without consideration. According to the defendants, their father was in possession of the lands till his death. After the death of their father, their mother had given possession of the land to Tola Singh for the purpose of cultivation in order to earn some money for supporting her family. According to the defendants, they had taken back possession of the land from Tola Singh in the year 1957-58. They also pleaded that after the death of Fakir Chand, the land had been mutated in their names in the revenue records to the knowledge of the plaintiffs. The plea of adverse possession was denied by stating that actually the defendants were in possession of the land and there was no question of adverse possession of the land by the plaintiffs qua the suit land. The only defence set up by the defendants against the unregistered sale deed dated 9-5-1931 is that it is unstamped, unregistered and therefore it cannot convey title to the land in favour of the plaintiff. On the basis of the facts stated above, it has been held by the Supreme Court that the sale deed dated 9-5-1931, even though not admissible in evidence can be looked into for collateral purposes.

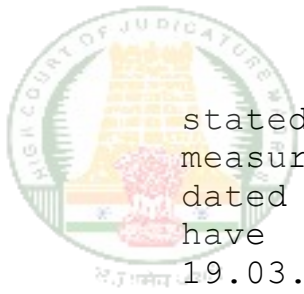
10. Since the suit filed by the petitioners/plaintiffs is injunction simplicitor and the unregistered sale deeds sought to be relied on is only to prove their possession over the property, they can be admitted into evidence under the third proviso to Section 49 of Registration Act."

13. This Court in the case of **R. Munusamy v. G. Krishtappillai** reported in (2014) 5 LW 59 has held as follows:

"13. Thus, a perusal of the above referred to decisions of the Apex Court as well as this Court, would make it clear that the unregistered sale deed can be marked as evidence and looked into only for the collateral purpose of finding the nature of possession of the property concerned."

14. This Court in the case of **Ramachandran and others v. Guruvi Reddy** reported in 2015 (3) MWN 366 has held as follows:

"10. In the case on hand, the plaintiff has filed the suit for declaration of title, permanent injunction, recovery of possession and for mesne profits. In the statement, in paragraph No.5, the defendants have



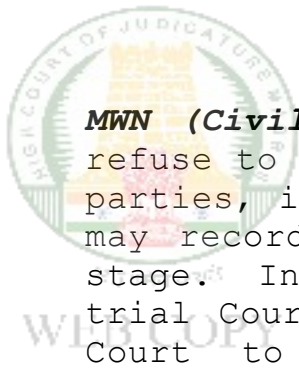
stated that they are in possession of the suit property measuring an extent of 4.76 acres since the exchange deed dated 19.03.1908. Now, in order to establish that they have been in possession of the suit property since 19.03.1908, they seek to mark the document to prove their possession. The purpose for marking the document by the defendants would clearly establish that it is for collateral purpose. They are not claiming any right or title over the suit property by virtue of the exchange deed dated 19.03.1908. Even in the affidavit itself they have stated that the document is being marked only for proving their possession over the suit property. The collateral transaction does not create, extinguish title, interest or right etc., in the suit property.

11. In the judgment reported in 2003(4) SCC 161 (cited supra), the Hon'ble Apex Court held that even a sale deed that is inadmissible in evidence can be looked into for collateral purpose. As already stated, the collateral purpose in the judgment of the Hon'ble Apex Court is the nature of possession over the suit land.

12. In the case on hand, though there was exchange of properties on 19.03.1908, the defendants sought to mark the document only for proving their possession over the suit property."

15. After referring to the judgments above extracted, the learned Counsel appearing for the petitioner submitted that the unregistered sale deed dated 25.11.1973 can be received and marked for proving collateral purpose, namely, the possession of the property by the petitioner. The learned Counsel then relied upon few judgments of this Court and submitted that the unregistered document can be impounded for collection of stamp duty and penalty and relied upon for collateral purpose. In the case of **Thailammai and others v. Karuppanan and others** reported in **2008 (2) CTC 11**, this Court held that after payment of stamp duty and penalty, the document could be marked and relied upon for a collateral purpose. In yet another judgment of the learned Single Judge of this Court in the case of **M. Periyakaruppan and another v. Nachiyappan and another** reported in **2008-4-L.W. 165**, after referring to Section 33 of the Stamp Act, it is held that it is the duty of the Court, at the time of marking any document to assess the sufficiency of the stamp duty paid. It is further observed that if a document is unstamped or insufficiently stamped and unregistered, it is the duty of the Court to impound and issue necessary direction in that regard so that on payment of necessary stamp duty and penalty, the Court could mark it subject to its admissibility. He also relied upon another judgment of the learned Single Judge of this Court in

<https://hcs.judges.e-gate.gov.in/hcs/nd/judges> **Navinraj v. Gnanasekar and others** reported in **2017 (2)**



MWN (Civil) 165 wherein it is observed that the Court must not refuse to admit merely because an objection has been raised by the parties, in stead, it must collect stamp duty and thereafter Court may record objections and defer its opinion thereon at judgment stage. In that case, the learned Judge set aside the order of the trial Court refused to admit the document and directed the trial Court to impound the document to concerned Collector for adjudication as envisaged under Section 38 (2) of the Stamp Act and to keep the suit in abeyance till the trial Court receives the report. On the basis of various judgments relied upon by the petitioner, it was suggested that the petitioner is willing to pay stamp duty and penalty once the document is referred to the Collector concerned in terms of Section 38(2) of the Stamp Act and then to permit the petitioner to mark the same for collateral purpose as explained in various judgments of the Hon'ble Supreme Court.

16. The learned Counsel appearing for the respondents on the other hand relied upon several other precedents to sustain the order of lower Court refusing to admit the document in evidence. Since the judgments relied upon by the respondents are also relevant, the judgments are considered in the following order.

17. In the case of **Pyarijan v. Puttappa and another** reported in **2006-2-L.W. 437** the learned Single Judge of this Court held as follows:

"14. Unregistered document which falls within Sec.17 of Registration Act cannot be used in any legal proceeding to bring out indirect effect which it would have if registered. The document stating advancement of money and also handing over of possession being inseparable property that document involved is immovable property which needs to be registered, cannot be received in evidence. When the document is inadmissible in evidence, it cannot be looked into for any purpose. The contention that the document can be looked into for the purpose of advancement of money does not merit acceptance. Under Section 49 of the Registration Act, no document required by Sec.17 or any of the provisions of the Transfer of Property Act to be registered shall be received as evidence of any transaction affecting immovable property."

18. In the case of **Amruthlal Jain and another v. Vijayakumar** reported in **2017-4-L.W. 644**, this Court considered the admissibility of a unregistered lease deed for collateral purpose. Since the petitioners therein wanted to establish a legal tenancy by marking the document, it was held that the document which is relied upon by the petitioner for the purpose of deciding his



legal status cannot be treated as collateral purpose.

19. In yet another judgment of this Court by a learned Single Judge in the case of **Savari Ammal v. Kulandai Thiresu** reported in **2008 0 Supreme (Mad) 3538** wherein the learned Judge after referring to the judgment of the Hon'ble Supreme Court in **K.B.Saha and Sons Private Limited v. Development Consultant Limited** reported in (2008) 8 SCC 564 has held that the terms of document which is not admissible in evidence for want of registration cannot be relied upon for collateral purpose.

20. The judgment followed by the learned Single Judge above referred to has summarised the principle in paragraph 21 of the said judgment which read as follows:

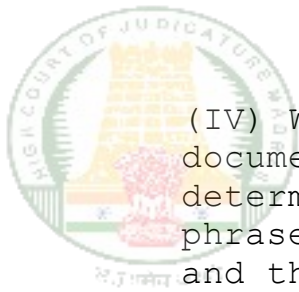
"21. From the principles laid down in the various decisions of this Court and the High Courts, as referred to hereinabove, it is evident that :-

1. A document required to be registered is not admissible into evidence under Section 49 of the Registration Act.
2. Such unregistered document can however be used as an evidence of collateral purpose as provided in the Proviso to Section 49 of the Registration Act.
3. A collateral transaction must be independent of, or divisible from, the transaction to effect which the law required registration.
4. A collateral transaction must be a transaction not itself required to be effected by a registered document, that is, a transaction creating, etc. any right, title or interest in immovable property of the value of one hundred rupees and upwards.
5. If a document is inadmissible in evidence for want of registration, none of its terms can be admitted in evidence and that to use a document for the purpose of proving an important clause would not be using it as a collateral purpose."

21. A Division Bench of this Court in **A.C.Lakshmipathy v. A.M.Chakrapani Reddiar and others** reported in **2001-1-L.W.257** has summarised the legal position in the following order:

"42. To sum up the legal position:

- (I) A family arrangement can be made orally.
- (II) If made orally, there being no document, no question of registration arises.
- (III) If the family arrangement is reduced to writing and it purports to create, declare, assign, limit or extinguish any right, title or interest of any immovable property, it must be properly stamped and duly registered as per the Indian Stamp Act and Indian Registration Act.



(IV) Whether the terms have been reduced to the form of a document is a question of fact in each case to be determined upon a consideration of the nature of phraseology of the writing and the circumstances in which and the purpose with which it was written.

(V) However, a document in the nature of a Memorandum, evidencing a family arrangement already entered into and had been prepared as a record of what had been agreed upon, in order that there are no hazy notions in future, it need not be stamped or registered.

(VI) Only when the parties reduce the family arrangement in writing with the purpose of using that writing as proof of what they had arranged and, where the arrangement is brought about by the document as such, that the document would require registration as it is then that it would be a document of title declaring for future what rights in what properties the parties possess.

(VII) If the family arrangement is stamped but not registered, it can be looked into for collateral purposes.

(VIII) Whether the purpose is a collateral purpose, is a question of fact depends upon facts and circumstances of each case. A person can not claim a right or title to a property under the said document, which is being looked into only for collateral purposes.

(IX) A family arrangement which is not stamped and not registered cannot be looked into for any purpose in view of the specific bar in Section 35 of the Indian Stamp Act."

22. In yet another judgment of mine in the case of **S. Thirumalai v. S. Govindarajan and others** reported in **2017 (1) CTC 198** wherein I have reiterated the position with reference to an unregistered and unstamped partition deed in the following lines:

"8. The trial Court despite the fact that the document Ex.B7 is unregistered and unstamped, accepted the case of partition pleaded by the defendant by placing reliance on the said document Ex.B7. The lower Court relied upon the judgment of the Hon'ble Supreme Court reported in AIR 1968 SC 1299 which is about a document which is not registered. Since the document dealt with by the Hon'ble Supreme Court is admissible in evidence for collateral purpose, the Hon'ble Supreme Court has held in the said judgment that the unregistered partition is admissible to prove the intention of coparcener to become divided in status. However, it is well settled that a document which is neither registered nor stamped cannot be looked into

for any purpose. Further, the expression 'collateral

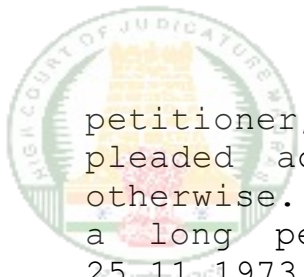


purpose? has been considered in several binding precedents and the law that has been ultimately reiterated is that a party cannot use the unregistered document in any legal proceedings to bring about indirectly the effect which it would have had if it is registered. The learned counsel for the appellant relied upon the judgment of this Court in D.Srinivasan and others v. D.Chairman and others reported in 2013 (4) CTC 145 wherein the learned Single Judge of this Court after referring to various judgments reiterated the view of mine. In other words, an unregistered document cannot be relied upon to prove the very transaction. In this case, the document Ex.B7 is relied upon only for the purpose of proving an earlier partition and hence, it is impermissible in law. The trial Court failed to draw the distinction between an unregistered document and a document which is neither registered nor stamped. The trial Court erroneously held that the document Ex.B7 can be relied upon to prove the partition as alleged by the defendant. Hence the findings of trial Court accepting partition solely relying upon Ex.B7 is unsustainable in law."

23.Finally, the learned Counsel appearing for the respondents relied upon a judgment of learned Single Judge of this Court in ***N.K.Surana v. Ramu and others*** reported in ***AIR 2016 Madras 91*** wherein a learned Single Judge of this Court after referring to Section 35 of the Indian Stamp Act has held as follows:

"6. As per the above provisions of both the Acts, the sale deed in question has to be properly stamped and registered before the competent authority and if the sale deed is not duly stamped, the defect cannot be cured under Section 35 of the Indian Stamp Act and it is also not admissible in evidence, since it conveys title of the property to the transferee. Therefore, the argument of the learned counsel for the revision petitioner/D2 that the above sale deed has to be impounded for paying stamp duty and penalty and to be registered and marked, is not sustainable. The above decisions relied on by the learned counsel for the revision petitioner/D2, are not applicable to the facts of the case and the decision relied on by the learned counsel for the respondents/plaintiffs, is applicable to the facts of the present case."

24.In the present case, certain factual aspects have to be clarified. In the plaint, the petitioner seeks relief of declaration only on the basis of the sale dated 25.11.1973. Though it is submitted by the learned Counsel for the



petitioner, in the course of argument that the petitioner has pleaded adverse possession, the reading of the plaint shows otherwise. Though the petitioner claimed to be in possession for a long period pursuant to the unregistered sale deed dated 25.11.1973, the plea of adverse possession is not specific, satisfying the requirements of law. In view of Section 35 of Indian Stamp Act, a document of conveyance which is neither stamped nor registered cannot be looked into for any purpose. In the present case, the petitioner's plea in the plaint discloses that the petitioner claimed title only on the basis of the unregistered sale deed. The document dated 25.11.1973 clearly stipulates that the transaction is one creating, declaring and extinguishing a right in immovable property and hence, this document cannot be looked into for any collateral purpose as it is neither stamped nor registered. No doubt, Section 33 of the Act mandates any Court to impound the document. It is true that irrespective of the fact that the document is unregistered, it is the duty of Court, at the time of marking the document to assess the sufficiency of the stamp duty paid. Therefore, the Counsel for the petitioner is right that the document has to be impounded for collection of sufficient stamp duty and penalty as required under the provisions of the Indian Stamp Act. The question is whether the document can be admitted for relying upon the document for collateral purpose as per proviso to Section 49 of the Registration Act. As it has been repeatedly held by this Court in number of judgments, the purpose of marking the document, namely, the sale deed dated 25.11.1973 is to prove the petitioner's title. The petitioner in the plaint has categorically stated that the first defendant executed a sale deed dated 25.11.1973 in favour of the plaintiff after receiving valuable consideration and that the petitioner is in possession and enjoyment of the property as owner. The petitioner has not even mentioned in the plaint that the document of sale deed dated 25.11.1973 is an unstamped and unregistered document. As it was pointed out earlier, the contention of the petitioner's counsel that the petitioner has pleaded adverse possession cannot be accepted as there is no specific plea as required in law. The document of unregistered sale deed is relied upon not for collateral purpose but for proving the transfer of right in immovable property as per pleadings. Though it is stated by the learned Counsel for the petitioner that the document may be relied upon to prove a oral agreement of sale, date of entry into possession of the land and nature of possession from the date of transaction, the collateral transaction referred to by the learned Counsel flow from the document of conveyance and the collateral purpose referred to by the counsel are to establish the right of petitioner under unregistered sale deed. From the pleading in the plaint, it cannot be contended that the document is required to prove a collateral transaction.



25. The judgment of the Privy Council relied upon by the petitioner has no application, since the unregistered gift deed was relied upon to prove adverse possession before Privy Council. Similarly, the judgment of the Hon'ble Supreme Court in Bondar Singh case is based on the pleading as borne out from the records. If we consider the issue in the background of the pleading, this Court has no hesitation to hold that the unregistered sale deed dated 25.11.1973 cannot be admitted in evidence as the petitioner claims title and the suit itself is for declaration of title based on the unregistered sale deed. As it has been held by the Hon'ble Supreme Court and this Court in several judgments, a collateral transaction must be independent and divisible from the transaction which requires registration. A collateral transaction should be one which does not create or extinguish title or interest in immovable property. In this case, the trial Court is right in holding that the document is inadmissible in evidence for want of stamp duty and registration. Hence, the Civil Revision Petition is dismissed and the order of the learned Additional District Munsif in I.A.No.112 of 2011 in O.S.No.219 of 2010 is confirmed. However, dismissal of this Civil Revision Petition does not bar the trial Court to impound the document which is mandatory as per the provisions of the Indian Stamp Act. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The Additional District Munsif, Sankarankovil.

2. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.D.NALLATHAMBI, Advocate SR-13022[F]

+1 CC to M/s.M.THIUNAVUKKARASU, Advocate SR-13011[F]

ORDER MADE IN
C.R.P (MD) No.1493 of 2011
02.06.2020

NA (CO)

TR(09.06.2020)13P 6C