



year 1990 through an unregistered, unstamped sale deed. The plaintiff is said to have obtained the title through the settlement deed, said to have been executed by her father in the year 1995. Admittedly, both the parties have not filed any mutation document. But the petitioner/1st defendant has stated that he constructed a house in the suit property even prior to its purchase. Now, he wanted to mark the unregistered, unstamped document for collateral purpose. In order to support the said contention, he placed reliance on the the decision of the Hon'ble Supreme Court in AIR 2010 Supreme Court 1654 [S.Kaladevi vs. V.R.Somasundaram & Ors.], wherein, paragraph No.11 is extracted 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."

4. Heard the learned counsel for the petitioner and perused the entire materials placed before the court.

5. First of all, the authority cited by the learned counsel for the petitioner is not applicable to the facts of the present case on hand, because, in that case, an unregistered sale deed was tendered in evidence, not as evidence of completed sale, but as proof of an oral agreement of sale and it was received only as evidence of an oral agreement of sale. Therefore, the Hon'ble Supreme Court allowed the appeal and directed to rely on the unregistered document for collateral purpose, whereas, the



document sought to be marked in the present case is inadmissible in evidence, because, it is not only an unregistered, but it is also an unstamped document and in a rival claim, the respondent has produced a document to show that in the year 1995 itself the property was settled in favour of the plaintiff. The petitioner relied on the unstamped and unregistered sale deed dated 11.07.1990 to establish his title and sought to be marked as title deed. Therefore, under these circumstances, this Court does not find any perversity in the order passed by the trial Court, wherein also it has been held that the document sought to be marked by the petitioner is not admissible in evidence, since it is an unregistered and unstamped document, which cannot be looked into for any purpose and the value of its consideration is more than Rs.100/-. Therefore, there is no merit in this Civil Revision Petition and the same is dismissed accordingly. No costs. Consequently, CMP(MD)No.10298 of 2019 is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Principal District Munsif Court, Tuticorin.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-10799[F] dated 10/03/2020)

CRP (MD) No.1998 of 2019

09.03.2020

SM/ (08.05.2020) 3P 3C