

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 533 of 2018

1. Kholbahra, S/o. Shri Sukhram, aged about 58 years, Caste Satnami
2. Chhatram, S/o. Shri Sukhram, aged about 54 years, Caste Satnami,
Both are R/o. Village Jamgahan, Police Station and Tahsil Malkharouda,
District - Janjgir Champa Chhattisgarh.

---- Petitioners

Versus

1. Sitaram, S/o. Late Shyam Bandhu, aged about 54 years,
2. Radheshyam, S/o. Late Shyam Bandhu, aged about 43 years,
Both are R/o. Village Jamgahan, Police Station and Tahsil Malkharouda,
District Janjgir Champa Chhattisgarh.
3. Pakli Bai, D/o. Late Shyam Bandhu, aged about 56 years, R/o. Village
Sarasdol, Police Station and Tahsil Malkharouda, District Janjgir
Champa Chhattisgarh.
4. State of Chhattisgarh, Through : Collector, Janjgir, District -Janjgir
Champa, Chhattisgarh.

---- Respondents

For Petitioners	: Mr. Ishwar Jaiswal, Advocate
For State/Respondent No.4	: Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/09/2021

1. This petition has been filed being aggrieved by the order dated 07.04.2018, passed by the Civil Judge Class-II, Malkharouda, District – Janjgir-Champa (C.G.), in Civil Suit No.25-A/2014, by which the prayer of the petitioners/defendants for impounding the documents an unregistered sale deed dated 10.03.1993 was rejected.
2. It is submitted by the learned counsel for the petitioners that the impugned order is erroneous and against the provisions of law. The documents though unregistered is useful for bringing evidence for co-lateral purpose. Reliance has been placed on the judgment of Supreme

Court in case of **Yellapu Uma Maheswari & Anr. Vs. Buddha Jagadheeswararao & Ors.**, reported in **AIR 2015 SCW 6184**, in which it is held that unregistered documents of partition can be relied upon for co-lateral purpose and the same has been explained. Hence, the petition be allowed and the relief be granted to the petitioners.

3. Notice issued to the respondents No.1 to 3 has been returned served, but there is no appearance and no representation.
4. Learned State counsel appearing for respondent No.4 has made formal objection.
5. Considered on the submissions. There appears to be no reason to interfere with the impugned order. However, the petitioners, who are placing reliance on unregistered document dated 10.03.1993, which they claim to be a sale deed, is not acceptable in evidence as a document of title as it is not registered under Section 17 of the Registration Act, 1908, however, such a document can be useful for bringing evidence for co-lateral purposes as it is permitted under Section 49 of the Registration Act, 1908, regarding which, the learned Hon'ble Supreme Court had discussed in the judgment of **Yellapu Uma Maheshwari (supra)**. Therefore, this petition is disposed off at motion stage. The learned trial Court is directed to give opportunity to the petitioners/defendants to bring evidence on the basis of the unregistered document in accordance with the provision under Section 49 of the Registration Act, 1908.

Sd/-
(Rajendra Chandra Singh Samant)
Judge