

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.634 of 2020
and C.M.P. No.3301 of 2020

Chinnaraji

...

Petitioner /
1st Defendant

versus

Gunasekar

...

Respondent /
Plaintiff

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 14.11.2019 made in I.A.No.2 of 2019 in O.S.No.19 of 2014 on the file of the Mahila Court, Perambalur, by allowing this Civil Revision Petition.

For Petitioner : Mr.I.Gavaskar
for Mr.A.Thiagarajan

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed challenging the order dated 14.11.2019 passed by the learned Mahila Judge, Perambalur in I.A.No.2 of 2019 in O.S.No.19 of 2014.

2. The learned counsel for the petitioner submitted that, this Interlocutory Application was filed for eschewing Exhibit A.39 document, which is an unregistered document. It is his submission that through Exhibit A.39 transfer of right in praesenti in immovable properties is created. Reading of this document shows that, it requires registration and cannot be received as an evidence. It also suffers from the defect of insufficiency of stamping. However, without considering these aspects, the learned trial Judge allowed the document to be marked as an exhibit. Therefore, the present petition.

3. No one appeared for the respondent.

4. It is seen from the counter filed by the respondent that at the time of making this document, the petitioner not raised any objection therefore this document was marked. Even an unregistered document can be looked into for collateral purpose subject to complying with the payment of necessary stamp duty and penalty.

5. In such view of the matter, this Court does not want to interfere with the order of the Mahila Court and the order dated 14.11.2019 passed in I.A.No.2 of 2019 in O.S.No.19 of 2014, is hereby confirmed. The learned Mahila Court is directed to take necessary steps to collect stamp duty and penalty on Exhibit A.39 and rely this document only for collateral purpose and not for any other purpose.

6. With this observation, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

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Speaking order / Non-speaking order

Index : Yes / No

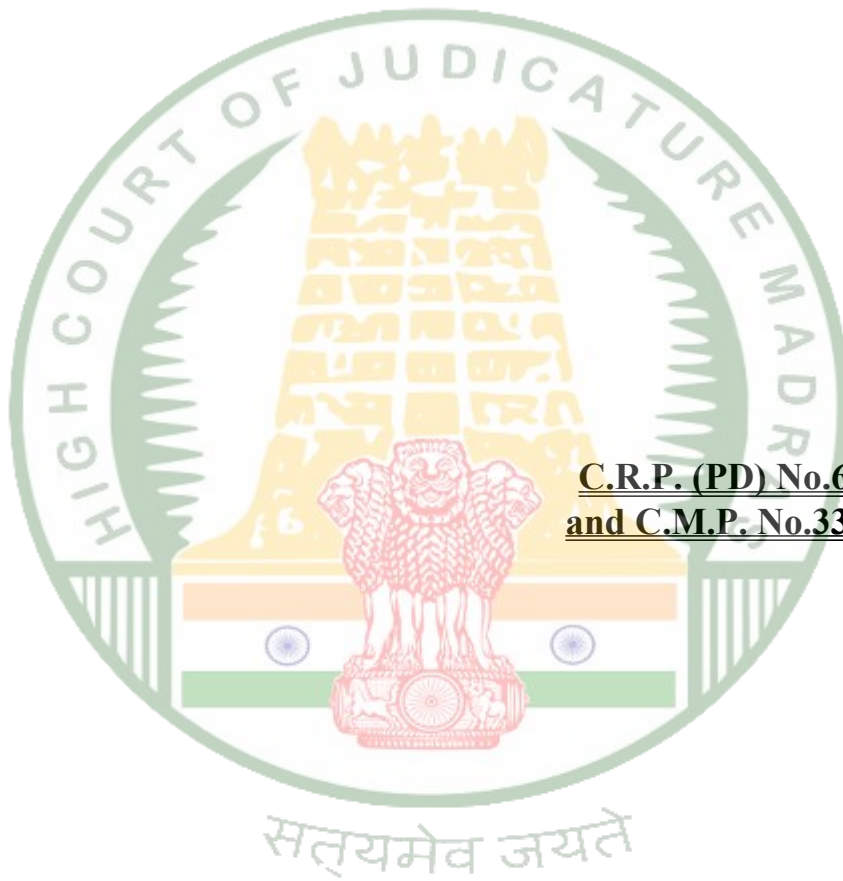
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G.CHANDRASEKHARAN, J.

sri

To

The Mahila Court,
Perambalur.



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