

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 24.08.2021	Orders pronounced on 09.09.2021
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Coram
THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD) No.808 of 2021
and
C.M.P.No.6719 of 2021

Selvam

... Petitioner

Vs

Kamsala

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order in I.A.No.986 of 2019 in O.S.No.241 of 2011 dated 23.01.2021 on the file of District Munsif Court, Sriperumbudur.

For Petitioner

..

Mr.V.Raghavachari

For Respondent

..

No appearance

ORDER

This Civil Revision Petition is filed challenging the order passed in I.A.No.986 of 2019 in O.S.No.241 of 2011 by the learned District Munsif, Sriperumbudur.

2. O.S.No.241 of 2011 was filed by the respondent, as plaintiff, seeking the relief for declaring that the sale deed dated 10.09.2008 registered in favour of the petitioner/defendant is null and void and when the suit was pending, petitioner/defendant filed I.A.No.986 of 2019 under Order VIII Rule 1A(3) CPC for condoning the delay and to receive the documents filed in support of the case of the petitioner. Of the eight documents sought to be produced, four documents are unregistered sale deeds. Respondent/plaintiff objected to receive those documents. Considering the submissions and the materials produced, the learned District Munsif, Sriperumbudur dismissed the petition insofar as the unregistered sale deeds are concerned. Against the order of rejecting the receipt of unregistered sale deeds, this Civil Revision Petition is filed.

3. Learned counsel for the petitioner/defendant submitted that though the sale deeds are unregistered sale deeds, they had been executed in stamp papers. Therefore, the unregistered sale deeds can be received for collateral purpose of showing possession in respect of the suit property. He relied on **2001 (3) SCC 1 : AIR 2001 SC 1158 (Bipin**

Shantilal Panchal ..vs.. State of Gujarat and another) for the proposition that admissibility of the document can be decided at the final stage of the proceedings. Notice was served on the respondent/plaintiff. However, there was no appearance for the respondent either by person or through counsel.

4. Considered the submissions made by the learned counsel for the petitioner. Reading of the plaint shows that the suit property was settled in favour of the respondent/plaintiff by a settlement deed dated 01.09.2008. There was a rectification deed executed on 11.11.2010. Respondent/plaintiff is in possession and enjoyment of the suit property from the date of settlement. She came to know that a sale deed was registered in the name of petitioner/defendant in Document No.7075/2008 on 10.09.2008. Petitioner/defendant has no right whatsoever in the suit property. Taking advantage of the existence of sale deed in his favour, he tried to interfere with the possession and enjoyment of the suit property by the respondent/plaintiff and tried to grab it. Therefore, the suit was filed.

5. Petitioner/defendant filed written statement and it is the case

of the Petitioner/defendant that the suit property originally belonged to (1) Deivasigamani and (2) Saradha. They sold an extent of 3052 sq.ft to one B.Santhanam on 27.05.1998. Santhanam sold his property to (1) Annamalai, (2) Kollapurai, (3) Ekambaram and (4) Chandran on 05.11.1999. These four persons have also got consent deed from Deivasigamani and Saradha on 27.02.2000 on payment of Rs.10,000/-. On 18.05.2005 Annamalai sold his 1/4th undivided share to Ekambaram, Another Kollapurai, defendant's father died on 08.08.2003. Defendant became entitled to his share. Ekambaram and Chandran sold their share to defendant on 10.09.2008 through a registered sale deed. Thus, it is claimed by the petitioner/defendant that he has right, title and possession in respect of the suit property.

6. It is clear from these averments made in the written statement that the petitioner/defendant claims right to the suit property on the basis of sale deed dated 10.09.2008. However the previous title holders transacted the sale through unregistered sale deeds. It is seen from the averments made in the written statement that the petitioner's/defendant's predecessor in title paid Rs.10,000/- to Deivasigamani and Saradha, the

original owners. It shows that the value of the property sold was more than Rs.100/-. Any transaction in respect of immovable property worth more than Rs.100/- will have to be executed only by registered document. Though the unregistered documents can be looked into for the purpose of collateral transaction, in the case before hand, when the petitioner/defendant claims his title in respect of the suit property through a registered sale deed and when the previous sales were not registered, this Court is of the view that there is no question of collateral purpose involved in this case. The main purpose for which the petitioner/defendant produced unregistered sale deeds dated 18.05.2005, 27.02.2000, 05.11.1999, 27.05.1998 is only to prove his title to the suit property. That cannot be countenanced and entertained.

7. Though the learned counsel for the petitioner submitted that the aforesaid documents were executed in stamp papers, it is not known whether these unregistered sale deeds had been executed in sufficiently stamped instruments. There is no indication in the order that the unregistered sale deeds had been executed in a sufficiently stamped instrument. Therefore, the submission of the learned counsel for the

petitioner in this regard cannot be accepted. The learned District Munsif, Sriperumbudur has rightly considered the issue and dismissed the petition and this Court finds no reason to interfere with the order of the learned District Munsif, Sriperumbudur in I.A.No.986 of 2019 in O.S.No.241 of 2011 dated 23.01.2021 and confirms the same. Consequently, this Civil Revision Petition is dismissed. No costs. Connected Civil Miscellaneous Petition is closed.

mra
09.2021

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Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No

To,

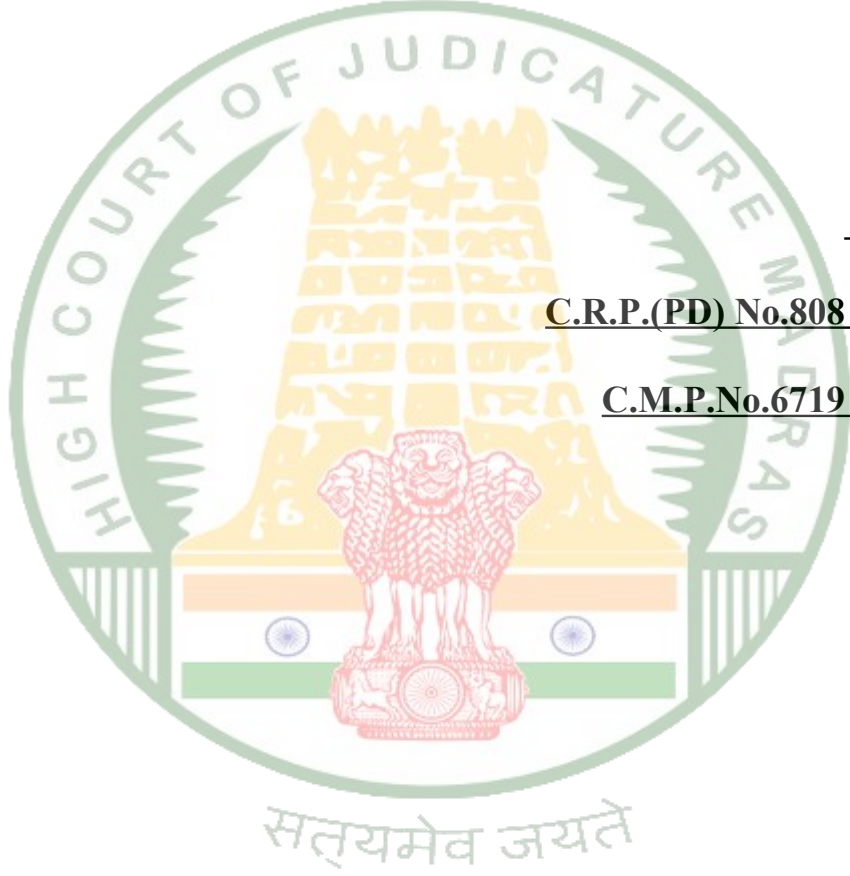
1. The District Munsif, Sriperumbudur.

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G.CHANDRASEKHARAN, J.

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