

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.2032 of 2019

1.Adiyapatham
2.J.Malliga
3.K.Velmurugan

Petitioners /
Plaintiffs

versus

1.M.Rangasamy
2.M.Gokula Krishnan
3.R.Anjalai
4.G.Banu
5.G.Gomathi
6.G.G.Mohan Kumar

Respondents /
defendants

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.2197 of 2018 in O.S.No.147 of 2014 dated 10.04.2019 on the file of the learned District Munsif at Maduranthakam by allowing the Petition with cost.

For Petitioners : Mr.T.I.Ramanathan

For Respondents : Mr.S.Veera Raghavan

ORDER

This Civil Revision Petition is filed challenging the order passed by the learned District Munsif, Maduranthakam in I.A.No.2197 of 2018 in O.S.No.147 of 2014.

2. I.A.No.2197 of 2018 was filed under Section 151 of C.P.C. to eschew the Exhibit B-9 from the defendant side evidence. The learned counsel for the petitioners submitted that, there is a dispute with regard to the title in respect of the suit property between the petitioners and the respondents. When D.W.1 was examined, the respondents alleged that the first petitioner Adiyapatham's father Kothanda Pillai executed an unregistered Release Deed in favour of Mannar Pillai. This document was marked as Exhibit B-9, after collecting stamp duty.

3. The learned counsel for the petitioners submitted that, any transaction involving the immovable property worth more than Rs.100/- is required to be executed only through the registered document. The unregistered Release Deed said to have been executed by Kothanda Pillai in favour of Mannar Pillai cannot be admitted in evidence. Therefore, the

marking of Exhibit B-9, the unregistered Release Deed, is against law and therefore, this document is to be eschewed from the defendant side evidence.

4. The learned counsel for the respondents submitted that, this document is sought to be produced only for the limited purpose of showing collateral purpose of possession of the property. The respondents are not claiming any right based on this unregistered Release Deed. It is well settled position of law that, the unregistered document can be looked into for collateral purpose, even though the said documents require registration.

5. There is no quarrel over this proposition that even the unregistered document can be admitted in evidence for the purpose of collateral purpose. One of the collateral purposes is the purpose to show the possession and therefore, this Court finds that the unregistered Release Deed said to have been executed by Kothanda Pillai in favour of Mannar Pillai can be admitted in evidence for the limited purpose showing the

possession in respect of the suit property and not more than that. The respondents cannot make any claim on the basis of this unregistered Release Deed except to show the possession.

6. In such view of the matter, this Court is not inclined to interfere with the order of the learned trial Judge. Accordingly, the order passed by the learned District Munsif at Maduranthakam, dated 10.04.2019 in I.A.No.2197 of 2018 in O.S.No.147 of 2014, is hereby confirmed.

7. This suit is of the year 2014 and this case comes under the category of old cases of more than 5 years. Even without any direction, the learned learned District Munsif, Maduranthakam, is expected to give priority in disposing the old cases, especially the cases, which are pending for more than 5 years. Therefore, the learned District Munsif, Maduranthakam, is directed to dispose of the suit in O.S.No.147 of 2014, as expeditiously as possible, preferably, within a period of four (4) months from the date of receipt of a copy of this order.

8. Resultantly, this Civil Revision Petition is dismissed.

However, there is no order as to costs.

16.09.2021

Speaking order / Non-speaking order

Index : Yes / No

psa/sri

To

The District Munsiff,
Maduranthakam.



WEB COPY

G.CHANDRASEKHARAN, J.

psa / sri



C.R.P. (PD) No.2032 of 2019

WEB COPY

16.09.2021