



C.R.P(NPD).No.2104 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P(NPD).No.2104 of 2022

Ganesan

... Petitioner

Vs

A.Maadhu

... Respondent

Prayer:- Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order passed by the learned Principal Subordinate Judge, Dharmapuri in CFR No.12 of 2022 in Unnumbered suit dated 13.06.2022 and consequently direct the Principal Subordinate Judge, Dharmapuri to number the suit and to proceed with the matter in accordance with law.

For Petitioner : Mr.S.Arokia Mani Raj

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Principal Subordinate Judge, Dharmapuri dated 13.06.2022 made in CFR No.12 of 2022.



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2. The revision petitioner is the plaintiff, who has filed a suit for declaration and permanent injunction and the suit was rejected even before it is numbered vide an order of the learned Principal Subordinate Judge, Dharmapuri dated 13.06.2022. Aggrieved over that, the plaintiff has filed this Civil Revision Petition.

3. The revision petitioner being the plaintiff has filed the suit by presenting the plaint, wherein he has alleged that he had purchased the suit property from the defendant for a valuable consideration of a sum of Rs.5,00,000/- and for which, the defendant had executed a sale deed dated 02.12.2011. On the basis of the above said sale deed, the plaintiff claims declaration and permanent injunction. Since, the suit is based on an unregistered sale deed, the learned trial Judge has not chosen to admit the plaint and rejected it at the threshold. It is needless to state that as per Section 49 of the Registration Act, the documents which are required to be registered under Section 17 of the Registration Act shall not be received as evidence in Court. Section 49 of the Registration Act is extracted hereunder:-

“ 49. Effect of non-registration of documents required to be registered. - No document required by Section 17 [or by any provision of the Transfer of Property Act, 1882 (IV of 1882),] to be registered



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shall-

(a) affect any immovable property comprised therein, or

(b) confer any power to adopt, or

(c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered:

[Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (IV of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (I of 1877), or as evidence of any collateral transaction not required to be effected by registered instrument.]”

4. Admittedly, the plaintiff did not get the sale deed registered, despite it is valued at Rs.5,00,000/-. Since the sale deed is unregistered, it cannot be admitted as an evidence for the relief of the declaration sought by the revision petitioner.

R.N.MANJULA, J.



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There are humpty number of Judgments on this point and hence, it does not require any further consideration. I do not find any reason for interference.

5. In the result, this Civil Revision Petition is dismissed and the order of the learned Principal Subordinate Judge, Dharmapuri dated 13.06.2022 made in CFR No.12 of 2022 is hereby confirmed. No costs.

13.07.2022

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Index : Yes

Internet : Yes

Speaking Order

To

1. The Principal Subordinate Judge, Dharmapuri.

2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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