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C.R.P. (PD) No.2380 of 2022
and C.M.P. No.12273 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2380 of 2022
and C.M.P. No.12273 of 2022

1.Kavitha

2.Ponnusamy

...

Petitioners /
Defendants

versus

Chenniyappa Gounder

...

Respondent /
Plaintiff

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 14.03.2022 made in I.A.No.752 of 2021 in O.S.No.281 of 2021 on the file of the learned Sub Judge, Udumalpet, by allowing this petition.

For Petitioners : Mr.B.Gopalakrishnan
For Respondent : Mr.R.Babu
/ Caveator

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Sub Judge, Udumalpet dated 14.03.2022 made in I.A.No.752 of 2021 in O.S.No.281 of 2021.



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2. The respondent / plaintiff has filed petition in I.A.No.752 of 2021 for requesting the Court to decide certain issues as preliminary issues and the said petition was allowed on 14.03.2022. Aggrieved over the order passed, the petitioners / defendants have filed the present Civil Revision Petition.

3. The learned counsel for the petitioners submitted that the respondent / plaintiff has filed the suit for declaration and permanent injunction against the petitioners / defendants. Both the suit properties are in respect of some pathway. Even in the prayer of the plaintiff itself he has stated that he is entitled to get a pathway of the 2nd item. While contesting the said suit, the petitioners / defendants wanted to mark a document dated 17.08.1982 which is a pathway agreement wherein the plaintiff objected to receive the said document by stating that it is an unregistered one.

4. The learned trial Judge has held that the document dated 17.08.1982 is a pathway agreement and hence it need not be registered. The learned counsel for the petitioners submitted that any document executed in respect of immovable property exceeding the value of Rs.5,000/- should be



registered. It is a trite law that any conveyance in respect of the immovable property exceeding Rs.100/- ought to have been registered (Section 17 of the Registration Act). But here is a case where the respondent wanted to produce an agreement but not conveyance. The learned trial Judge has rightly dealt the issue and arrived at a finding that the document is admissible, I do not find any ground for interference.

5. Accordingly, this Civil Revision Petition is dismissed and the order dated 14.03.2022 passed by the learned Sub Judge, Udumalpet in I.A.No.752 of 2021 in O.S.No.281 of 2021 is hereby confirmed. Consequently, connected Miscellaneous Petition is closed. No costs.

29.07.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The Sub Judge, Udumalpet.

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R.N.MANJULA, J.

sri

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