



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.788 of 2022

and

C.M.P (MD)No.3185 of 2022

WEB COPY

Babu

Through his Power Agent

P.Reka

...Petitioner/Petitioner/Defendant

Vs.

Karuppaiah

...Petitioner/Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of The Constitution of India, to set aside the fair and decreetal order made in I.A.No.1 of 2019 in O.S.No.231 of 2017 by the Sub Court, Devakottai, dated 08.11.2021.

For Petitioner : Mr.D.Venkatesh

ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order made in I.A.No.1 of 2019 in O.S.No.231 of 2017 by the Sub Court, Devakottai, dated 08.11.2021.

2. I.A.No.1 of 2019 was filed by the revision petitioner/defendant to reject the unregistered sale deed dated 04.07.2016 marked as Ex.A1. The trial Court while passing order in I.A.No.1 of 2019 clearly discussed that the sale deed cannot be taken as primary evidence and can be used for collateral purpose. The revision petitioner denied the execution of sale deed. However, the trial Court clearly observed that though Ex.A1 is more than Rs.100/- and the said sale deed was not also a registered document, however, Ex.A1 can be taken for collateral purpose because the sale consideration was fixed as Rs.10,00,000/-.

3.This Court is of the view that the Honourable Apex Court made it very clear that as per Section 49 of the Registration Act, any unregistered conveyance in respect of immovable property is an inadmissible evidence. In case on hand, for considering the payment of sale consideration alone, Ex.A1 can be used for collateral purpose. Therefore, the trial Court has rightly dismissed the said petition and this Court does not find any valid reason to interfere with the same.



4.In view of the above, this Civil Revision Petition is dismissed. The trial Court is directed to consider the relevancy of Ex.A1 at the time of trial. No costs. Consequently connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Subordinate Judge,
Devakottai.

Order made in

C.R.P (MD) No.788 of 2022

and

C.M.P (MD) No.3185 of 2022

Dated:07.04.2022

sg (CO)

TR(14.06.2022) 2P 2C