



A.No.1880 of 2023

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in
CS.(Comm.Div).No.16 of 2022

S.SOUNTHAR, J.

The instant application in A.No.1880 of 2023 has been filed by the first defendant in the suit seeking re-framing of the issue No.2 framed by this Court by order dated 10.01.2023. This Court by the order dated 10.01.2023 framed four issues. This application is relating to issue No.2 which reads thus:

“ii) Whether failure to register the two lease agreements under the provisions of the Registration Act, 1908, would entitle the defendants to disown and repudiate the liability under the policy issued to the plaintiff on 10.01.2019, renewed on 10.01.2020?”



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2. In the affidavit filed in support of this application, it

is stated by the applicant that the registration of the lease deeds are no way connected with the repudiation of a claim by the applicant and the issue raised by the applicant is only relating to admissibility of the documents by virtue of Section 17 r/w 49 of the Registration Act, 1908. Therefore, the applicant prayed that issue No.2 already framed by this Court shall be re-casted as follows:

“Whether the lease agreements entered into between the plaintiff and the second defendant are valid as per Section 17 and 49 of the Registration Act, 1908?”

3. The learned counsel for the first respondent/plaintiff vehemently opposed this application by submitting that the issue No.2 already framed by this Court requires no modification.



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4. A reading of the affidavit filed by the applicant would indicate that the applicant is questioning the admissibility of lease deeds in question on the ground of non-registration as required under Section 17 r/w. 49 of the Registration Act, 1908. Since this Court has not yet framed any issue with regard to the admissibility of the documents, the additional issue No.5 is framed which reads thus:

“5.Whether the lease agreements said to have been entered into between the plaintiff and the second defendant are admissible in evidence in the absence of registration as required under Section 17 r/w 49 of the Registration Act, 1908 ?”

5. Accordingly, this application is disposed of.

18.04.2023

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