



C.R.P.(PD)(MD).No.465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.465 of 2023

and

C.M.P(MD) No.2211 of 2023

1. Sangagiri @ Ramuthai
2. Mohan

... Petitioners / Petitioners/
Defendants 1 and 2

-vs-

Raman

.... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 27.06.2022 passed in I.A.No.137 of 2022 in O.S.No.93 of 2018 pending disposal on the file of the District Munsif, Vadipatti.

For Petitioners : Mr.M.Venkatesan



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ORDER

The present civil revision petition has been filed by the defendants in the suit for permanent injunction, challenging an order refusing to receive the unregistered sale deed as one of the documents.

2. The defendants, who have failed to file the documents along with the written statement, had filed an application under order 8 Rule 1A(3) C.P.C, seeking permission of the Court to receive the documents. It is seen from the petition in I.A.No.137 of 2022, the petitioners have sought to mark five documents. The trial Court has accepted four documents and refused to receive an unregistered sale deed for the value of more than Rs.30,000/- (Rupees Thirty Thousand only). The said order is under challenge in the present Revision Petition.

3. The learned counsel appearing for the petitioners would submit that the documents have to be received for collateral purpose, so that the defendants would be able to prove their defence.



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4. The suit has been filed for permanent injunction and not to disturb the possession of the suit property. The defendants by way of marking unregistered and un-stamped sale deed are attempting to establish their possession over the suit schedule property. Therefore, it cannot be considered for a collateral purpose, for which an unregistered and un-stamped documents can be relied upon.

5. In view of the above said facts, I do not find any merits in the present Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

24.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The District Munsif,
Vadipatti.

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R.VIJAYAKUMAR,J.

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