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C.R.P.No.2474 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2474 of 2021

and

C.M.P.No.18716 of 2021

1.Chandrasekar
2.Ranganath
3.Ravikumar

... Petitioners

Vs.

1.Narayanappa
2.Munivenkatappa
3.Rathnamma
4.Savithramma

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair order and decreetal order passed in I.A.No.3 of 2021 dated 05.10.2021 in O.S.No.75 of 2012 on the file of Additional Sub-Judge, Hosur



C.R.P.No.2474 of 2021

For Petitioners

: Mr.Sunny Sheen
for M/s.V.Srimathi

For Respondents 1 to 4

: Ms.D.Chitra Maragatham
for M/S.T.R.Rajaraman

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below holding that the document panchayat muchalika dated 20.03.1954 is admissible in evidence.

2. The respondents herein filed a suit for declaration that suit A-schedule properties were their absolute properties and for injunction restraining the petitioners from alienating or creating any encumbrance in respect of the suit A-schedule properties. Alternatively, the respondents also sought for the relief of partition.

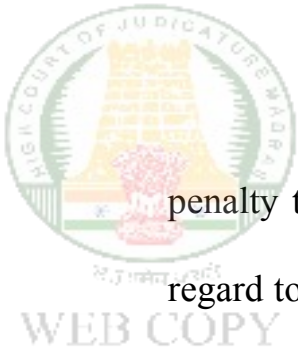
3. The suit was resisted by the petitioners herein on the ground that the suit properties were divided between the parties as early as 1954. In the written statement, it was specifically averred by the defendants that the



ancestors of the petitioners as well as respondents got the ancestral properties divided with the aid of panchayat muchalika dated 20.03.1954.

4. The said document referred to in the written statement is sought to be marked by the petitioners and the same was opposed by the respondents on the ground that document dated 20.03.1954 is unstamped and unregistered one.

5. A reading of above document would suggest that the parties had adjusted their rights under the recitals found in the document. There is also recitals about allotment of specific items of properties to Venkataramanappa and Venkatasamy under whom parties are claiming title. The properties are identified with it's local name and allotted to respective parties. The respondents/plaintiffs are claiming under Venkatasamy and the petitioners are claiming under Venkataramanappa. It is not a document which records past transaction. Therefore, the document in question requires compulsory registration and stamping. Being an unregistered document, the same cannot be admitted in evidence to prove any adjustment of rights under the document. However, if the petitioners are prepared to pay stamp duty together with



C.R.P.No.2474 of 2021.

penalty treating the same as partition document, after curing the defect with regard to the stamp duty, the petitioners are entitled to mark the said document for collateral purpose of proving nature of possession.

6. With these modification, the impugned order is confirmed in other respects. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2024

Index : Yes / No
Internet : Yes / No
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To

The learned Additional Sub-Judge, Hosur



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C.R.P.No.2474 of 2021.

S.SOUNTHAR, J.

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C.R.P.No.2474 of 2021
and
C.M.P.No.18716 of 2021

02.02.2024