



CRP No.3495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

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and CMP No.18933 of 2024

1. Kumarasamy
2. Sekar
3. Venkatesan
4. Lakshmi

.. Petitioners

-VS-

1. Haridoss
2. Chandrasekar
3. Sakthivel
4. Bhaskar
5. Kumar
6. Sathiya
7. Minor.Vijayabalan
8. Minor.Varshini
(Minor respondents 7 and 8 are
represented by their mother and next
friend Sathiya, 6th respondent herein)
9. Mahalakshmi
- 10.Ponnusamy

.. Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set



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aside the order dated 12.06.2024 dismissing I.A.No.652 of 2023 in O.S.No.156 of 2017 by Additional District Munsif Court, Tindivanam.

For Petitioner : Mr.K.Elango

* * * * *

ORDER

This civil revision petition arises against the order passed by the Additional District Munsif at Tindivanam in I.A.No.652 of 2023 in O.S.No.156 of 2017 dated 12.06.2024.

2. The civil revision petitioners are the defendants in O.S.No.156 of 2017 which is a suit for declaration and injunction. In the said suit, the plaintiffs have completed evidence on their side and it is now posted for evidence on the side of the defendants. At that stage, the defendants took out an application to reject the document under Ex.A-3 invoking the provisions of Order XIII Rule 3 of the Code of Civil Procedure, 1908. The said application came to be dismissed by the learned District Munsif. Hence,



3. Heard Mr.K.Elango for the civil revision petitioners.

4. Mr.Elango would submit that being an unregistered document, the same cannot be relied upon in the suit. He would plead that if it is inadmissible in evidence, then the provision of Order XIII Rule 3 CPC is attracted and the order requires to be revised.

5. I have considered the argument of Mr.Elango and have gone through the papers. It is not in dispute that the plaintiffs had introduced the said document through P.W.1 on 01.04.2022. At the stage of marking of the document, no objection seems to have been raised by the defendants. The question of delay matters not for the case because if the document is inadmissible, an application under Order XIII can be filed at a later stage. However, I have to take notice of the fact that an unregistered document need not necessarily be inadmissible in evidence. Under proviso to Section 49 of the Registration Act, 1908, even a document which requires



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registration under Section 17, can be admitted in evidence for "collateral purpose". As to what is the purpose for which this document was sought to be marked can only be gone into at the time of final disposal. I am certain, if the plaintiffs were to rely upon the document in order to prove their title, the Court will apply the provisions of Sections 17 and 49 of the Registration Act. If they are going to use the said document for the purpose other than for proving title, then the proviso to Section 49 would get attracted. A perusal of the certified copy which has been produced by Mr.Elango shows that it is a stamped document. If it is a stamped document, then Section 35 of the Indian Stamp Act, 1899, is not attracted.

6. Since the defendants did not object to the said document at the time of marking and further as an unregistered document can be looked into by a Court for collateral purpose, I am of the view that there is no error in the order passed by the learned trial Judge.



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7. Leaving open the issue as pointed above, this civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

sra

To

The Additional District Munsif,
Tindivanam.



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V.LAKSHMINARAYANAN, J.

(sra)

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