



C.R.P. (PD) No.4251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.4251 of 2024
and C.M.P.No.23636 of 2024

1.Sulochana
2.Lalitha

.. Petitioners

Versus

R.Nanjan

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 29.08.2024 in I.A.No.1 of 2024 in O.S.No.19 of 2004 on the file of the District Munsif, Udhagamandalam.

For the Petitioners : Mr.A.Sriram

ORDER

This Civil Revision Petition arises against the order of the District Munsif, Udhagamandalam in I.A.No.1 of 2024 in O.S.No.19 of 2004 dated 29.08.2024.



C.R.P. (PD) No.4251 of 2024

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2. The Civil Revision Petitioners are defendants 6 and 7 in the suit.

They are the legal representatives of the deceased 1st defendant.

3. O.S.No.19 of 2004 is a suit for specific performance of an agreement of sale. The plaintiff pleads that he had entered into an agreement with the 1st defendant on 05.02.1994 and since the 1st defendant did not execute the sale deed as agreed upon, he came forth with the suit. Summons was served on the 1st defendant. The 1st defendant also filed his written statement.

4. Issues were framed and the parties proceeded to trial. The plaintiff went into the witness box and marked Exs.A1 and A2. Ex.A1 being the sale agreement and Ex.A2 being the signature on the sale agreement. After P.W.1 had given evidence, the suit came to be dismissed for default.

5. Thereafter, it was restored and it is at the stage of trial. Since the defendants 6 and 7 were impleaded as legal representatives of the deceased 1st



C.R.P. (PD) No.4251 of 2024

defendant, they took out an application to reject Exs.A1 and A2. The ground for which they seek for rejection is that Ex.A1 is an unregistered document which speaks about possession having been given to the plaintiff.

6. A counter was filed by the respondent/plaintiff and the learned Judge after a detailed discussions proceeded to dismiss the said petition. Aggrieved by the same, this revision at the instance of the defendants 6 and 7.

7. Heard, Mr.A.Sriram for the Civil Revision Petitioners.

8. Mr.A.Sriram, argues that being an agreement of sale under which the plaintiff pleads that possession has been handed over to him, it requires compulsory registration in terms of Section 17 (1) (A) of the Registration Act, 1908. That not having been done, he argues that the agreement cannot be received.

9. I have considered the submissions of Mr.A.Sriram.

10. I have to point out that the suit was originally presented before



C.R.P. (PD) No.4251 of 2024

the learned Subordinate Judge, Nilgiris, as O.S.No.15 of 1998. Subsequently, due to enhancement of pecuniary jurisdiction, the suit stood transferred to the file of the learned District Munsif, Udthagamandalam and it was re-numbered as O.S.No.19 of 2004. The provision that Mr.Sriram relies upon viz., Section 17 (1) (A) of the Registration Act, came into the statute book by virtue of the amendment made in the Registration and Other Related Laws (Amendment) Act 48 of 2001 with effect from 24.09.2001. This amendment is not retrospective. It would certainly not affect the suits which had been presented prior to the amendment act. If that be the situation, I do not find any error in the order of the learned District Munsif, Udthagamandalam in I.A.No.1 of 2024 in O.S.No.19 of 2004 dated 29.08.2024.

11. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

23.10.2024

Index : Yes / No
Internet:Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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Page 4 of 6



C.R.P. (PD) No.4251 of 2024

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To
The District Munsif, Udhagamandalam.



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C.R.P. (PD) No.4251 of 2024

V.LAKSHMINARAYANAN, J.,

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Civil Revision Petition (PD) No.4251 of 2024

23.10.2024