



CRP(MD)No.912 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP(MD)No.912 of 2021
and
C.M.P(MD)No.5128 of 2021

Trustee,
Ooikattu Sudalai Kovil,
Nellai Thiruthu,
Pallikottai Village,
Tirunelveli Taluk,
Tirunelveli District.

... Petitioner/Respondent/Plaintiff

Vs

Natarajan

... Respondent/Petitioner/Defendant

Prayer: This Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 18.01.2021 made in I.A.No.3 of 2021 in O.S.No.43 of 2015 on the file of the Principal District Munsif Court, Tirunelveli and to eschew the documents marked as exhibits B-7 to B-10.

For Petitioner : Mr.S.P.Maharajan

For Respondent : Mr.H.Arumugam



CRP(MD)No.912 of 2021

WEB COPY

ORDER

The Civil Revision Petition is filed to set aside the fair and decreetal order dated 18.01.2021 made in I.A.No.3 of 2021 in O.S.No.43 of 2015 on the file of the Principal District Munsif Court, Tirunelveli and to eschew the documents marked as exhibits B-7 to B-10.

2.The plaintiff in the suit is the revision petitioner herein. The suit was filed for declaration and permanent injunction. After filing of the written statement, the respondent/defendant wanted to mark certain documents and had filed an application in I.A.No.3 of 2021 in O.S.No.43 of 2015 before the trial Court, wherein the documents to be marked by the defendant were two unregistered sale deeds. The first document is the registered document; the second and third documents are the unregistered sale deed and the fourth document is the receipt. The trial Court relying upon a Judgment of the Hon'ble Supreme Court of India in ***Bondar Singh and others Vs. Nihal Singh and Others*** reported in ***2003 (4) SCC 161*** and the same is extracted hereunder for ready reference:



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“Registration Act, 1908-S.27 - Unstamped and unregistered sale deed-Though does not convey title to the vendee and not admissible in evidence, can be looked into for collateral purposes.

Under the law a sale deed is required to be properly stamped and registered before it can convey title to the vendee. However, legal position is clear that a document like the sale deed in the present case, eventhough not admissible in evidence, can be looked into for collateral purposes. In the present case, the collateral purpose to be seen is the nature of possession of the plaintiffs over the suit land.”

By relying upon the above judgment, the trial Court permitted the respondent to marking the documents as Ex.B7 to Ex.B.10. Aggrieved by the same, the revision petitioner/plaintiff has preferred the present application to eschew the order passed by the trial Court.

3.The Hon'ble Supreme Court of India had categorically held that the unregistered/unstamped documents have no documentary value, but it could be relied upon only for the collateral purpose. It is the contentious right of rival parties before this Court to question the validity of the documents and it is for the trial Court to evaluate the evidence of the truth, which is also available for cross-



CRP(MD)No.912 of 2021

examination.

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4.In view of the same, the order passed by the trial Court needs no interference. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5.Since the suit is of the year 2015, the trial Court is directed to complete the proceedings and dispose of the case within a period of three months, from the date of receipt of a copy of this order.

11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Principal District Munsif Court, Tirunelveli.



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CRP(MD)No.912 of 2021



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CRP(MD)No.912 of 2021

N.SENTHILKUMAR, J.

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CRP(MD)No.912 of 2021

11.12.2024