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C.R.P.(MD)No.2208 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2208 of 2024 and
C.M.P.(MD)No.12527 of 2024

1. Meenraj
2. Dhanaraj
3. Yesuraj

... Petitioners/Petitioners/
Defendants 1, 2 & 6

Vs.

1. Madathi
2. The Tahsildar,
Taluk Office,
Sankarankovil.
3. The Commissioner,
Municipality Office,
Sankarankovil.
4. The Special Tahsildar,
Adithiravidar Welfare Department,
Sankarankovil.

... Respondents/Respondents 2, 3&4/
Defendants 3,4 & 5

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.5 of 2023 in O.S.No.154 of 2013 passed by the learned



Additional District Munsif, Sankarankovil dated 02.03.2024 partly allowing the same in marking Aadhar card of the second petitioner as of their document and dismissing in marking the unregistered sale deed dated 18.04.1980 in O.S.No.154 of 2013 forthwith.

For Petitioners : Mr.S.Palanivelayutham

ORDER

Heard the learned counsel appearing for the revision petitioners.

2. The revision petitioners are figuring as defendants 1 and 2 and 6 in O.S.No.154 of 2013 on the file of the Additional District Munsif, Sankarankovil. The suit has been instituted by the first respondent herein for declaration regarding the second schedule property and for mandatory injunction and for permanent injunction. In the said suit, the defendants are presently adducing evidence. At that stage, the revision petitioners filed I.A.No.5 of 2023 for reception of the petition-mentioned documents. IA was partly allowed vide order dated 02.03.2024. In respect of the disallowed portion in IA, this civil revision petition came to be filed.



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3. What has been disallowed to be received in evidence is the unregistered sale deed dated 18.04.1980 said to have been executed by the father of the plaintiff. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of revision. He pointed out that even though the document is unregistered, it can very well be looked into for collateral purpose to prove that the western portion of the suit property was handed over to the sixth defendant by the father of the plaintiff.

4. I am not swayed by the said submissions. The Court below had referred to two decisions namely *(2020) 1 CTC 47 (Thangamuthu V. Jayaraj)* and *(2020) 1 CTC 246 (Kasinathan.K V. N.Umasankar)* in support of its reasoning that an unregistered document cannot be received in evidence. Even though the revision petitioners would make a claim that it can be looked into for collateral purpose, it is obvious that it is only to demonstrate the conveyance of title, the document is sought to be received in evidence. The reasons given by the Court below for refusing to receive the documents are sound and convincing. Interference



is not warranted. This civil revision petition stands dismissed. No costs.

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Consequently, connected miscellaneous petition is closed.

13.09.2024

Index : yes/No
Internet: Yes/No
PMU

To

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Sankarankovil.
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4. The Special Tahsildar,
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G.R.SWAMINATHAN,J.

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