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CRP.No.687 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.687 of 2024

and

CMP.No.3510 of 2024

Charumathy

... Petitioner

Vs.

1.S.Sivapriya

2.Premkumar

3.Subhanganidevi

4.Samji Ramji Patel

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, against the order made in I.A.No.178 of 2023 in O.S.No.93 of 2013, dated 17.10.2023 on the file of the II Additional District Court, Chidambaram.

For Petitioner

: Mr.V.Balamurugane

For Respondents

: Mr.C.A.Shanmugasundaram
for R4

M/s.V.Thillaisamy for R2

No appearance for R1



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No such person for R3

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking to reject the unregistered partition deed dated 01.12.2002.

2. The petitioner herein filed a suit for partition and separate possession of 1/4th share in the suit properties and for permanent injunction. During the course of trial, the second respondent/second defendant attempted to mark unregistered partition deed dated 01.12.2002, allegedly entered among the second petitioner and various other persons namely the siblings of father of the petitioner. The petitioner filed an application seeking to reject the document on the ground that unregistered partition deed cannot be admitted in evidence. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.



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3. The learned counsel appearing for the petitioner would submit that unregistered document evidencing partition cannot be pressed into service in a suit for partition to prove any earlier partition. Therefore, the impugned order passed by the trial Court is untenable in law. The learned counsel further submits that partition deed was allegedly entered into on 01.12.2002, however, the stamp paper of the partition deed was dated 28.02.2003. In view of the material discrepancy, the trial Court ought not have admitted the same in evidence.

4. The learned counsel appearing for the respondent would submit that the partition deed only refers to past transaction and hence no express partition had taken place under the document, hence the same need not be registered.

5. A perusal of the recitals in partition deed would indicate the same was entered into among the descendants of one Appadurai Pillai, the paternal



grandfather of the petitioner. As per the recitals found in the document, said Appadurai Pillai died on 03.04.1969 and after the funeral ceremony, the family properties were orally divided among descendants with the help of mediators. The properties allotted to the respective sharers have been enjoyed by them all along. As an evidence of earlier oral partition, the document dated 01.12.2002 was reduced into writing and signed by respective parties. Therefore, it is clear under the document dated 01.12.2002, no partition had taken place and it only refers to earlier partition that had taken place, immediately after death of Appadurai Pillai in the year 1969. Since there is no partition or adjustment of shares had taken place under the document, it need not be registered under the provisions of Registration Act. The trial Court rightly came to the conclusion, the document in question could not be rejected for want of registration as the document recorded only past transaction.

6. As far as, the objection raised by the learned counsel for the petitioner with regard to the discrepancy in the document is concerned, any such objection with regard to the document and its evidentiary value is a matter to be argued before the trial Court at the time of final disposal of the



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suit. At this stage, we cannot go into the discrepancy with regard to the dates found in the stamp papers and give any finding with regard to the evidentiary value of the document produced before this Court. Therefore, the said submission made by the learned counsel for the petitioner is not appealable to this Court. However, it is open to the petitioner to raise those objections at the time of final disposal of the suit.

7. With these clarifications, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2025

Index : Yes
Internet : Yes
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To

The II Additional District Court,
Chidambaram.

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S.SOUNTHAR, J.

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