



CRP (PD) No.919 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P. (PD) No.919 of 2025
and
C.M.P. No.5314 of 2025

Pensis Paul

... Petitioner

vs.

1. Rekh

2. Radha

3. Rajendiran

4. Kowsalya

5. Ravindran

6. Vijayakumar

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India as against the Order and Decreetal Order in I.A. No.2 of 2024 in O.S. No.607 of 2022 on the file of III Additional District Judge, Thiruvallur at Poonamalee and dated 21.12.2024.

For Petitioner : Ms.E. Yuvarani

For Respondents : No appearance

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ORDER

WEB COPY Heard the learned counsel for the petitioner.

2. The revision petitioner is the plaintiff in O.S. No.607 of 2022.

The suit in O.S. No.607 of 2022 has been filed for declaring the right, title and interest of the plaintiff and also for a consequential relief of permanent injunction to restrain the defendants from interfering with the plaintiff's possession or trespassing into the suit property.

3. It appears that in the suit, all the defendants have already been set *ex-parte* and at the stage of recording ex-parte evidence, the plaintiff has attempted to mark an unregistered sale letter. The trial Court has refused to mark the said document and aggrieved by the same, the present Civil Revision Petition has been filed.

3. Ms.E. Yuvarani, learned counsel for the petitioner would state that the said document is not being relied on for the purposes of establishing the title of the plaintiff, but only for collateral purposes of establishing the factum of possession being with the plaintiff.

4. The learned counsel for the petitioner would rely upon the decision of the Hon'ble Supreme Court in ***S. Kaladevi vs. V.R. Somasundaram & Others reported in 2010 (3) MWN (Civil) 556*** as



well as the decision rendered by me in *Ananda Nayagi vs.*

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Kannikumari and another reported in 2025 SCC Online Mad 4086. In

the said decisions the Court has permitted the receipt of an unregistered document for the purposes of using the same only for collateral purposes and it would be subject to payment of necessary stamp duty with penalty if any. The Hon'ble Supreme Court in *S.Kaladevi's* case has laid down the ratio that even when the document is sought to be received for collateral purposes and the documents being in a nature of the unregistered Sale Deed, the said document can be received as evidence of an oral agreement of sale and there has to be an endorsement made by the Court admitting the document as evidence and it is only meant as an oral agreement of sale.

5. The said decision of the Hon'ble Supreme Court has also been followed by me in *Ananda Nayagi's* case. The facts of the present case are also squarely covered by the ratio laid down in the above cases. In view of the above, the order in I.A. No.2 of 2024 in O.S. No.607 of 2022 passed by the trial Court is set aside. Accordingly, the unregistered Sale Letter dated 11.06.2003 shall be received as a document of an oral agreement of sale, subject to the plaintiff, paying the deficit stamp duty



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together with penalty as applicable and consequent to such payment, the

document can be marked on the side of the petitioner/plaintiff and it is made clear that the document shall not be looked into by the trial Court for the purposes of the establishment of title at the hands of the plaintiff but only for collateral purposes viz., to ascertain the nature and character of the possession of the plaintiff with regard to the suit property.

6. With the above observations, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2025

Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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P.B. BALAJI, J.

vsi2

To
The III Additional District Judge,
Thiruvallur at Poonamalee

C.R.P. (PD) No.919 of 2025
and
C.M.P. No.5314 of 2025

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