



CRP No.1735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.07.2025

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CORAM:

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

C.R.P.No.1735 of 2024 and CMP No.9135 of 2024

D.Senthilkumar

... Petitioner

vs

Mrs.Marakikal (died)

- 1.Mrs.S.Geetha
- 2.Mrs.Chellammal
- 3.A.Balakrishnan
- 4.Mrs.Saraswathi
- 5.Mrs.M.Dhanalakshmi
- 6.Ms.A.Maragatham
- 7.Mrs.Indirani
- 8.Mrs.Krishnaveni
- 9.Duraisamy

.. Respondents

Revision filed under Article 227 of the Constitution of India against the order dated 04.03.2024 passed in IA No.8 of 2024 in O.S.No.921 of 2016 on the file of I Additional District Munsif Court, Coimbatore.

For Petitioner : Mr.Balamurali
For Shivakumar and Suresh
For Respondents : No appearance

ORDER



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Heard the learned counsel for the petitioner. The contesting fourth defendant, who is the third respondent in this revision, has not chosen to appear either in person or through counsel. Mr.Balamurali, learned counsel for the petitioner would state that though some of the respondents remained unserved, they are not necessary to adjudicate the issue that arises for consideration in this revision. In view of the fact that the contesting fourth defendant/third respondent in this revision has not chosen to appear and contest the revision, I have proceeded to hear the learned counsel for the petitioner.

2. Learned counsel for the petitioner would invite my attention to the affidavit filed in support of the application, seeking to file the original of the Varthamman Agreement dated 04.01.1998, which even according to the plaintiff, was filed as plaint document and the relief itself is to declare that the said Varthamman agreement between the plaintiff and the second defendant as valid. The said application was, however, dismissed by the trial court holding that the agreement requires registration under Section 17 of the Registration Act 1908 and therefore, the document was inadmissible in evidence.

3. Learned counsel for the petitioner takes me through the provisions of the Registration Act, 1908 and would submit that such agreement of sale was



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require to be registered only pursuant to the amendment brought about to the

Registration Act by Tamil Nadu Amendment Act 2012. Therefore, the learned

counsel would contend that when the document is of the year 1998, it cannot be said that the said document would be required to be compulsorily registrable on the said date. In such view of the matter, the document ought to have been received by the trial court.

4. Learned counsel would place reliance on the decision of this Court in ***K.Murugan vs B.Ramalingam and another (CRP (PD)No.4576 of 2011 dated 25.08.2015)*** as well as ***V.C.Kumarasami (died) and another vs G.K.Kumarasamy and others (CRP No.2161 of 2017 dated 19.07.2022)***.

5. In both the revisions, this Court taking note of the fact that the amendment under Section 17 of the Registration Act, 1908 by the Government of Tamil Nadu was with effect from 01.12.2012, held that it would not affect the validity of the agreement entered into prior to the said date. In the case on hand also, the agreement is dated 04.01.1998 on which date, the Agreement was not required to be compulsorily registrable. Further, from the terms of the

P.B.BALAJI.,J.



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WEB agreement, I find that it contemplates certain terms and conditions and obligations cast on both the parties. It is only to declare this very agreement to be valid that the suit itself has been filed and admittedly a copy was filed along with the suit. Thereafter, the plaintiff has traced the original and sought to produce the same. In the light of the above, the trial Court ought not to have rejected the request made by the plaintiff and instead, should have entertained the application. Therefore, I am inclined to set aside the order dated 04.03.2024.

6. Accordingly, the order passed by the I Additional District Munsif in I.A.No.8 of 2024 in O.S.No.921 of 2016 is set aside and the civil revision petition is allowed. The original Verthamma agreement dated 04.01.1998 shall be received in evidence subject to proof and relevancy.

No costs. Consequently, connected miscellaneous petition is closed.

03.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

The Additional District Munsif Court, Coimbatore

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