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CRP.No.4599 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.4599 of 2024
and
CMP.No.25723 of 2024**

Pandiyan

... Petitioner/1st defendant

Vs.

1. Srinivasan
2. Elumalai
3. Pak Estate Private Limited,
Rep. by its Managing Director,
Abdul Kader.

4. Kasiyammal
5. Saraswathi
6. Sivaprakash
7. Mohana

... Respondents/defendants 2 to 7

Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decreetal order dated 18.10.2022 made in I.A.No.8 of 2022 in I.A.No.4 of 2020 in O.S.No.107 of 2018 on the file of District Munsif Court, Madurantakam.

For Petitioner : Mr.R.Ragavendran

For Respondents : No appearance



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ORDER

The Civil Revision Petition is filed as against the fair and decreetal order dated 18.10.2022 made in I.A.No.8 of 2022 in I.A.No.4 of 2020 in O.S.No.107 of 2018 on the file of District Munsif Court, Madurantakam.

2. Despite the respondents having entered appearance in November, 2024, there has been no appearance on the side of the respondents. Therefore, I proceeded to hear the learned Counsel for the petitioner.

3. The petitioner challenges the refusal of the trial Court to mark the document, which is filed in the nature of the receipt, on the ground that the said receipt was required to be registered under Section 17 of the Registration Act.

4. Learned Counsel for the petitioner would take me through the said document, which is styled as a receipt. On going through the document, I find that the receipt acknowledges the payment of sale consideration and also states that instead of sale deed, the power of attorney has been executed and



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registered to enable transfer of title. In the light of above, there is no transfer of right under the said receipt and excepting for acknowledging the payment of Rs.18,000/-, there is nothing in the said receipt, which creates or assigns any right to title or interest, which alone contemplates compulsory registration under Section 17 of the Registration Act.

4.1 Learned Counsel would also place reliance on Section 18 (b), which makes registration of documents or instruments, acknowledging the receipt of payment for consideration on account of creation, declaration, assignment, limitation or extension of any such title or interest as only optional and does not require compulsory registration.

5. I find force in the submission of the learned Counsel for the petitioner.

6. The case of the petitioner is that, in so far as the said receipt dated 02.04.2021, it would fall only under Section 18(b) and not under Section 17. Learned Counsel for the petitioner would also place reliance on the decision this Court in *Ezumalai & Others Vs. Venkatesa Gounder*



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reported in **2018 5 L.W. 785** wherein, this Court found that receipt acknowledging payment of consideration, for giving up right in property would not require any registration as the said document did not create any right *in presenti*. Even in the said case, it is held that in view of the contents of the receipt setting out that power of attorney has been separately registered, based on which alone right to title and interest would be transferred, I find that there is no transfer or assignment was under the receipt on hand, requiring the same to be registered.

7. In view of the above, the order of the trial Court, proceeding an erroneous assumption that the document requires registration under Section 17 of the Registration Act is liable to be set aside.

8. In fine, the order of the trial Court made in I.A.No.8 of 2022 in I.A.No.4 of 2020 in O.S.No.107 of 2018 dated 18.10.2022, on the file of the District Munsif Court, Madurantakam is set aside and the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
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P.B.BALAJI, J.

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To

The District Munsif Court, Madurantakam.

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