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CRP No.5150 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 5150 of 2025 and

CMP No.25972 of 2025

1. P.Mani,
S/o.Ponnappa Reddy, residing at
Nedunchalai Street, Perungavur Village,
Ponneri Taluk, Thiruvallur District.

2. Banu,
W/o.P.Mani, residing at Nedunchalai
Street, Perungavur Village,
Ponneri Taluk, Thiruvallur District.

Petitioner(s)

Vs

Gowri (Died)

V.Sadasivam,
S/o.K.Vasudevan, 27, New No.59,
Srinivasa Perumal, Sannathi 2nd Street,
Royapettai, Chennai -14.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 21.08.2025 made in I.A.No.7 of 2024 in O.S.No.143 of 2013 on the file of the District Munsif Court, Ponneri by allowing this Civil Revision Petition.



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For Petitioner(s): Mr. N. Manoharan

For Respondent(s): Mr. N.Palanikumar

For Caveator/ Sole Respondent

ORDER

This civil revision petition is filed, challenging the order passed by the Trial Court, dismissing the application filed by the petitioners/defendants to impound the sale deed dated 16.10.2000 for payment of Stamp Duty with penalty, to enable the petitioners to mark the same as document on their side.

2. The respondents herein/plaintiffs filed a suit in O.S.No.143 of 2013 for declaration of title and consequential injunction. They also sought for declaration that the sale deed dated 26.02.2013, allegedly executed by the first petitioner, in his capacity as power agent of one Vasudevan, infavour of the second petitioner was null and void.

3. The above suit was resisted by the petitioners herein/defendants on the ground that the original owner of the property, namely Vasudevan had executed a power of attorney in favour of the first petitioner on 16.10.2000. It was also stated in the written statement that on the very same date, the said Vasudevan executed an unregistered sale deed in respect of the suit property with insufficient stamp duty and sold the same in favour of the first petitioner.



4. At the time of trial, the petitioners herein filed the present application seeking impounding of the unregistered sale deed dated 16.10.2000 for payment of stamp duty together with penalty, to enable the petitioners to mark the same as document on their side. The said petition was dismissed by the Trial Court on the ground that any unregistered document cannot be admitted in evidence. Aggrieved by the same the petitioners have come before this court.

5. Heard the learned counsel for the petitioner and the learned counsel for the caveators/respondents

6. It is settled law that as per embargo under Section 35 of the Indian Stamp Act , unstamped document cannot be marked for any purpose. However, the bar under Registration Act is only partial. As per the proviso to Section 49 of the Registration Act, an unregistered document can be admitted in evidence for any collateral purpose.

7. In the case on hand, the petitioners claimed that the property was delivered to the first petitioner by Vasudevan at the time of execution of unregistered document, dated 16.10.2000. Hence, to decide the nature and character of possession, the said unregistered document can always be admitted in evidence. This court is not expressing any opinion on the collateral purpose for the document and the same shall be decided by the court below, based on the



arguments advanced by the respective counsel, at the time of final disposal.

However, the petitioners shall be given an opportunity to cure the defect as to stamp duty, by paying necessary stamp duty with penalty and to mark the document on their side for collateral purpose, as per the proviso to Section 49 of the Registration Act.

8. Accordingly, the impugned order passed by the Trial Court is set aside and the I.A.No.7 of 2024 in O.S.No.143 of 2013 is allowed, by directing the court below to impound the document for collection of necessary stamp duty together with penalty. After payment of necessary stamp duty with penalty, the petitioners are entitled to mark the same as document on their side, subject to objection by the respondents. The question of admissibility of the document shall be decided by the Trial court at the time of final disposal.

9. With the above observations and directions, this civil revision petition is allowed. Connected miscellaneous petition is closed. There shall be no order as to costs. Since the suit is of the year 2013, the Trial Court is directed to dispose of the suit in O.S.No.143 of 2013, as expeditiously as possible.

29-10-2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

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To

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The District Munsif Court,
Ponneri.



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S.SOUNTHAR J.

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