



C.R.P.(MD)No.658 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.658 of 2021

and

C.M.P.(MD)No.3568 of 2021

1.T.Lakshmi
2.T.Vinoth
3.Thilagavathi
4.Umamaheswari

...Petitioners

Vs.

S.Uthaman

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 06.01.2011 made in I.A.No.709 of 2019 in O.S.No.147 of 2016, on the file of the Principal District Munsif Court, Kumbakonam and allow this Civil Revision Petition.

For Petitioners : Mr.M.Maria Vinola

For Respondent : Mr.G.Mohan Kumar



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ORDER

This petition has been filed seeking to set aside the order dated 06.01.2011 made in I.A.No.709 of 2019 in O.S.No.147 of 2016, on the file of the Principal District Munsif Court, Kumbakonam and allow this Civil Revision Petition.

2.The petitioners are defendants in O.S.No.147 of 2016. The respondent herein filed a suit for specific performance and other consequential reliefs. During the pendency of the suit, the respondent / plaintiff filed an I.A.No.709 of 2019, to mark certain documents ie., unregistered sale agreement dated 10.01.2011 and an affidavit dated 26.12.2014. The said petition was allowed by the Court below. Challenging the same, the present Civil Revision Petition has been filed.

3.However, learned Counsel for the petitioners would submit that the present Civil Revision Petition has been filed solely on the basis of the decision of the Hon'ble Supreme Court in the case of ***S.Kaladevi Vs. V.R.Somasundaram and others reported in (2010) 4 MLJ 529 (SC)***, wherein it is held that when an unregistered sale deed is tendered in evidence, not as



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evidence of a completed sale, but as proof of an oral agreement of sale, the deed can be received in evidence making an endorsement that it is received only as evidence of an oral agreement of sale under the proviso to Section 49 of 1908 Act. Relying on the aforesaid decision, learned Counsel for the petitioners would submit that the documents sought to be marked by the respondent / plaintiff shall be marked with the endorsement as stated in the aforesaid judgment.

4. Admittedly, the first respondent filed a suit for specific performance in which two documents which are sought to be marked namely unregistered sale agreement dated 10.01.2011 and an affidavit dated 26.12.2014 were annexed along with the plaint. As rightly pointed by the learned Counsel for the petitioners, the Hon'ble Apex Court held that when an unregistered sale deed is tendered in evidence, not as evidence of a completed sale, but as proof of an oral agreement of sale, the deed can be received in evidence making an endorsement that it is received only as evidence of an oral agreement of sale under the proviso to Section 49 of 1908 Act. Accordingly, the trial Court is directed to receive those documents but by making an endorsement as received only as oral sale agreement.



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5. With the above direction, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

10.06.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Principal District Munsif Court,
Kumbakonam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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