



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1768 of 2025

and

C.M.P.(MD)No.9639 of 2025

Muppidathi (Died)

1.Kumaresan

2.Saroja

3.Suseela

4.Murugesan

...Petitioners

Vs.

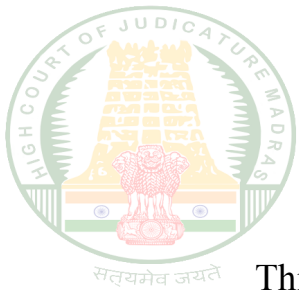
Palraj

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 18.03.2025 passed in I.A.No.5 of 2024 in O.S.No.81 of 2022 on the file of the District Munsif Court, Alangulam, by allowing this Civil Revision Petition.

For Petitioners

: Mr.P.P.Alwin Balan



ORDER

This Civil Revision Petition has been filed seeking orders to set aside the fair and decreetal order dated 18.03.2025 passed in I.A.No.5 of 2024 in O.S.No. 81 of 2022 on the file of the District Munsif Court, Alangulam.

2. The petitioners herein, along with their deceased mother Muppidathi, filed a suit in O.S.No.81 of 2022 before the learned District Munsif, Alangulam, seeking declaration and permanent injunction against the respondent. Pending suit, the petitioners herein filed an interlocutory application in I.A.No.5 of 2024 seeking appointment of an Advocate Commissioner to forward the document marked as Ex.A.7 (alleged unregistered sale deed) and Ex.A.8 (admitted signature) to a handwriting expert for comparison of the disputed signature in Ex.A.7 with the admitted signature in Ex.A.8. The trial Court, however, dismissed the said application on 18.03.2025. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioners would submit that the suit was filed primarily on the ground that the father of the respondent had executed an unregistered sale deed in the year 1991 in favour of the petitioners' father, and possession was also handed over to him. After the demise of the petitioners' father, the petitioners are in possession and enjoyment of the suit property. When the respondent attempted to interfere with the peaceful

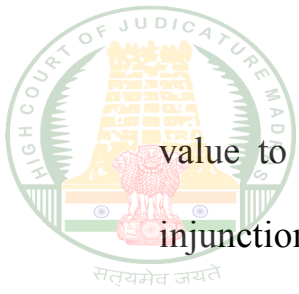


possession of the petitioners and create encumbrance over the suit property, the present suit was filed. To substantiate their claim regarding the execution of the unregistered sale deed, the petitioners filed the above said interlocutory application seeking expert comparison of the signature on the disputed document with the admitted signature of the respondent's deceased father. However, the said application was dismissed by the trial Court.

4. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with,

5. Upon perusal of the materials and records, it is seen that the petitioners rely heavily on an unregistered sale deed, which is in the nature of a deed of conveyance. Whether such a document, being unregistered and unstamped as per the provisions of the Registration Act and the Stamp Act, can be used for the purpose of claiming title is itself questionable in law.

6. It is settled law that an unregistered document which is compulsorily registrable under Section 17 of the Registration Act cannot be used as evidence of title or conveyance of property. The petitioners, however, seek to send the document to a handwriting expert for comparison of the signature of the respondent's deceased father to prove execution. Even assuming such comparison is undertaken, it would not confer any legal sanctity or evidentiary



value to the unregistered sale deed in a suit for declaration and permanent injunction, as the document remains inadmissible in the absence of proper registration and stamping.

7. The trial Court has rightly dismissed the said application, and this Court finds no illegality or material irregularity in the said order warranting interference under Article 227 of the Constitution of India.

8. In view of the above discussion, this Court is of the considered opinion that the Civil Revision Petition is devoid of merits and liable to be dismissed.

9. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The District Munsif Court, Alangulam.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court,

Madurai.



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M.DHANDAPANI, J.

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