

ORDERS

In the present matter, the stage was set down for further chief-examination of DW.1. Meanwhile, the said DW.1 furnished two unregistered documents i.e., unregistered sale agreement dated 16.11.2009 and unregistered lease agreement dated 25.01.2011. Hence, point was raised regarding it to be marked as an Exhibits as both the documents are

unregistered documents. The advocate for defendant No.6 in pursuance to the same relied upon the decision rendered by Hon'ble High Court of Madhya Pradesh between Shanti Bai and others V/s Ratna Bai and others, wherein, it was held that, an unregistered document can however be used as an evidence as collateral purpose has provided in the proviso to Sec.49 of Registration Act. Further counsel has also relied upon the decision rendered by the Hon'ble Supreme Court of India between Roshan Singh and others V/s Zile Singh and others, wherein, the Hon'ble court was pleased to observe that, an unregistered document can be used as evidence only for collateral purpose which is for a limited extent. The counsel has also relied upon the decision rendered by the Hon'ble Supreme Court of India in Civil Appeal No.3934/2006 between P.Anjanappa (D) by Lrs., V/s A.P.Nanjundappa and others, wherein, the Hon'ble Court was pleased to hold that an unregistered partition deed including the pallu patti may be relied upon for the limited collateral purpose of proving severance of the joint family. It was also observed that, even without registration, a written document of family settlement or arrangement can be used as corroborative evidence.

On the other hand, the learned counsel for plaintiff has submitted that they have no objection to consider the said document to be marked for collateral purpose.

Matter is heard on both the sides.

The suit is one for partition and separate possession and the said DW.1 is

the defendant No.5 in the said matter. Wherein, according to plaintiff the said defendant No.5 is also one of the children of the propositus Reddy Innasappa and the said plaintiff and defendants constituted an Undivided Hindu Joint Family. Now, according to the said DW.1 (defendant No.5) the said two documents were told to be executed by plaintiff in favour of defendant No.3 and the defendant No.3 is also shown to be one of the children of the said propositus. Hence, it seems to be one falling within the ambit of family arrangement. Hence, as per the observations made by Hon'ble Constitutional Courts of India in the decision supra, it is made clear that, if such documents are unregistered one they can be considered for evidence for limited and collateral purpose only. Hence, it goes to show that, these documents can be marked as exhibits and that apart even the plaintiff counsel has submitted that he has no objection to mark the said document for collateral purpose. Hence, there lies no impediment to consider the prayer of DW.1. Accordingly, the DW.1 is permitted to lead his further chief-examination by getting the said documents marked only in pursuance to limited and collateral purpose of consideration.

For further chief-examination of DW.1
by 22.04.2026.

Sd/-

I A.C.J. & JMFC, Kanakapura.