

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Tmt. K. Chithra, B.A.,B.L., (Hons)

I Additional District Munsif (FAC), Nagercoil
Friday, on the 10th day of April, 2026

I.A. No. 21 of 2026

in

O.S. No.84 of 2015

M.Mary Nirmala

.. Petitioner/Plaintiff

-vs-

1. M.Antony Lawrence

2. A.Lourthammal

... Respondents/ Defendants

This petition is came up before this court on 10.04.2026 in the presence of Mr.B.J.Baskaradhas, Advocate for the Petitioner and Mr.A.Gnanasekar, Advocate for the Respondents and upon perusing the case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This petition was filed under Order XIII Rule 3 of Code of Civil Procedure read with Section 151 of CPC, by the petitioner/plaintiffs, to reject the document Ex.B8.

2. PETITION FACTS:

2.1) The petitioner was the plaintiff. The suit was filed for Permanent

Injunction and the defendant had filed his counter claim to evict the plaintiff. The defendant had filed a document Exhibit B8 as settlement Deed said to be executed by the father. The said document is inadmissible in evidence. The document is after thought and not produced earlier in this case therefore it is a suspicious one.

2.2) Under a law a Settlement Deed must be stamped and to be registered under the registration Act. Since the document is unstamped the plaintiff filed a petition I.A.20/2026 to impound the document. The court has to dismiss the petition holding that the deed Ex.B8 cannot be executed or registered since it is the property of the trust. Under law the unregistered, unstamped document cannot be looked into any purpose, even for collateral purpose. Thus, this petition was filed.

3. COUNTER ALLEGATIONS:

3.1) All the averments stated in the affidavit filed along with petition are hereby denied as false except those that are specifically admitted. The petition is not maintainable in law and on facts. The statements contained in paras 1 and 2 of the affidavit are not in dispute.

3.2) As to the statements contained in para 3 of the affidavit, it is submitted that the plaintiff has been examined as PW1 and the 1st defendant also examined as DW1 and he was cross examined in full on the side of the plaintiff.

Along with the affidavit of chief examination 17 documents were filed. Out of those documents 16 documents were marked as Exhibits B6 to 21. It is submitted that Ex.B8 is the settlement deed executed by 1st Defendant's father and mother in favour of the 1st Defendant on 14.02.2014. The title holder of the suit property and other properties is the Trust and in as much as possession alone was originally vested with the father and mother of 1st defendant and later the said possessory right came to be vested on 1st defendant and he is paying ground rent to the Trust and various other documents relating to the possession have been filed and marked to establish 1st defendant's possession.

3.3) It is true that the defendant has filed the settlement deed executed by the father and mother of the defendant in favour of the defendant and the same has been marked as Ex.B8 though this document is an unregistered one in view of the fact that the title holder is the Kottar Chettu Nainar Desigia Vinayagar Devasthanam Trust, it is admissible for collateral purposes, viz to prove the nature of possession and hence it cannot be said that Ex.B8 is inadmissible in evidence. The allegation that the document is afterthought and it was not produced earlier and therefore it is a suspicious one is absolutely false. The plaintiff is very much aware of the settlement deed much earlier in the year 2014 itself when the defendant's father mentioned the said settlement deed in para 14 of the written statement filed by the father of the 1st defendant in O.S.No.92/2014 filed by the present plaintiff before the 1st Additional District Munsiff Court, Nagercoil and marked as Ex.B16.

3.4) That this court has been to dismiss the petition in I.A.No.20/2026 filed by the same petitioner to impound the said settlement deed. However it is submitted that though this document is an unregistered one, it is admissible for collateral purposes and as such this document is not liable to be rejected. This petition is not a bonafide one and so it is liable to be dismissed with cost.

4. POINT TO BE DETERMINED:

Whether this petition is allowed or not?

Records perused. Both side enquiry heard.

5. REASON FOR DETERMINATION:

It is admitted that the Ex.B8/settlement deed is unregistered. As per S.17 and S.49 of Registration act, the unregistered deed is inadmissible in evidence. Hence, this petition is allowed. No order as to cost.

Dictated to the Steno-Typist directly, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 10th day of April, 2026.

Sd/-

I Additional District Munsif (FAC)
Nagercoil

Petitioners side witnesses and documents:- Nil

Respondent side witnesses and documents : Nil

Sd/-

I Additional District Munsif (FAC)
Nagercoil.

Fair/ Draft Order
I.A.No.21 of 2026 in
O.S.No.84 of 2015
Date: 10.04.2026
IADM, Nagercoil.