

**IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI**

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,**

**District Munsif, Tiruttani.**

Dated the Thursday of 18<sup>th</sup> Day of September 2025

I.A.No.4/2025 in OS.No.28/2018

(CNR.No.TNTR21-000028-2018)

...

1. M. Sankar

2. S. Dilipkumar

...Petitioners/ Plaintiffs

/Versus/

1. K. Durai @ Duraikannu (died)

2. Munusamy

3. Chinnappan

4. Nagammal

5. Gowri

... Respondents /Defendants

This petition came up before me for final hearing on 10.09.2025 in the presence of M/s. R. Srinivasan, R. Rajeshwara Babu, P. Praveena, S. Thulasiammal, S.V. Sandhya, Advocates for Petitioners/Plaintiffs, R1 died, M/s. P.C. Santhya Rani, B. Chandrean, S. Swarnalatha, M. Lavanya, G.M. Vijayalakshmi, Advocates for 2 to 5 Respondent/Defendants. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

**ORDER**

This petition is filed under Order 13 Rule 3 of CPC to reject the Ex.B1 document with cost.

**1. The averments of the petition in brief are as follows:-**

(a) The 2<sup>nd</sup> respondent Munusamy was examined as Dw1. The defendant has filed the petition to receive the defendant side documents. The petitioner has strongly objected that the unregistered and unstamped sale deed is not valid in the eye of law. The unregistered sale deed dated 30.07.2012 was marked as Ex.B1. Without impounding the document Ex.B1 is inadmissible in evidence. The document is not valid in the eye of law. The respondent has not paid proper stamp fee for the Ex.B1.

(b) Further the unregistered sale deed cannot be taken as a documentary evidence in this suit. The said document is unstamped and unregistered document.

Therefore cannot be marked as per the Indian Registration Act and as per the Indian Stamp Act. The unregistered and unstamped documents are compulsorily registerable and they cannot be marked and relied on for any purpose including collateral purpose. Hence, this petition is filed.

**2. The counter filed on behalf of the 2 to 5 Respondents in brief:-**

The petition is highly belated and no bonafide in it. The above petition is unnecessary and to prolong the case it was filed by the petitioners. The Ex.B1 is an unregistered sale agreement dated 30.07.2012. It is not a sale deed to impound the document. The recital of the document that whenever the agreement holder calls upon to execute a regular sale deed, he will come and execute the sale deed is mentioned at the end of the document. So it is an agreement not a sale deed. Moreover on the same day possession of the property also handed over to the agreement holder after receiving entire sale consideration amount. The agreement was typed in Rs.20/- stamp paper and it was certified by notary public. The Ex.B1 was marked and it is a valid document. The petitioner has no merits and they have no right. Hence the petition has to be dismissed with cost.

**3. Point for determination:**

Whether the petitioner is entitled to the relief as sought for? or not?

4. Heard both sides. According to petitioner, the unregistered and unstamped sale deed dated 30.07.2012 was marked as Ex.B1. Without impounding the document Ex.B1 is inadmissible in evidence. The respondent has not paid proper stamp fee and registration fee for the Ex.B1. Further the unstamped and unregistered document cannot be marked as per the Indian Registration Act and as per the Indian Stamp Act. The unregistered and unstamped documents are compulsorily registrable and they cannot be marked and relied on for any purpose including collateral purpose. Hence, the petitioners pray to allow this petition.

5. The Respondents resisted the petition by contending that the petition is unnecessary and to prolong the case this petition filed by the petitioners. The Ex.B1 is sale agreement and it is not a sale deed to impound the document. Before 2011 sale

agreements need not be compulsorily registrable document. The recital of the document is that whenever the agreement holder calls upon to execute a regular sale deed he will come and execute the sale deed and the same was mentioned at the edge of the document. So it is a sale agreement not a sale deed. Hence the respondents pray to dismiss this petition.

6. On perusal of records, this case is pending for cross of Dw1. The document dated 30.07.2012 was marked as Ex.B1 on objection. At the time of marking of documents the counsel for respondents/defendants submitted that in the edge of the documents it is stated as "நீர் எப்போது என்னை வந்து அழைத்தாலும் உன் சொந்த செலவில் பத்திரம் எழுதிவந்தால் பத்திரம் பதிவு செய்து தருகிறேன், நான் தவறும்பட்சத்தில் நீதிமன்றம் மூலமாக கட்டாய பத்திரம் பதிவு செய்துக் கொள்ள சம்மதிக்கிறேன்." Hence Counsel for Respondents argued that it may be considered as a sale agreement and not the sale deed. The sale agreement is need not be compulsorily registrable as per Section 17 of Registration Act. Hence the said document is marked as Ex.B1 on objection. The document was executed on 30.07.2012 after the amendment of Section 17 of Registration Act in which the sale agreement come under compulsorily registration. Further the petitioner relied on the judgment of Hon'ble High Court of Judicature, Madras in S. Sivalingam Vs. Suryanarayan dated 30.06.2017 held that,

"In view of the fact that the respondents marked the documents as Exs.A1 & A4 to prove their case which are unstamped and unregistered, the said documents are inadmissible in evidence. The objection of petitioner is well founded and valid. The learned Trial Judge has not properly considered the scope of Order 13 Rule 3 CPC and erred in dismissing the application filed to reject the documents. In view of the judgment of the Hon'ble Apex Court reported in 2003 (8) SCC 752 cited supra and order of this Court dated 14.03.2011 in CRP PD No.4172 of 2010, the judgments relied on by the learned counsel for the respondents are not applicable to the facts of the present case. In these circumstances, the fair and decretal order dated 07.01.2014 passed by the Additional District Munsif at Poonamallee in IA.No.875 of 2013 in O.S.No.368 of 2009 is liable to be set aside and it is accordingly set aside."

7. As per the judgment of Hon'ble High Court it is held that document already marked can be rejected at any stage. In this case this petition filed

immediately after marking of the said Ex.B1. The document dated 30.07.2012 is come under Section 17 of Registration Act which has to be compulsorily registered. Further no stamp duty penalty was paid as per section 47 of Stamp Act. As per judgment of Hon'ble High Court of Madras, Madurai Bench in C.R.P. (MD).No.351/2011 and MP.(MD)No.1/2011 Jayapaul Vs. Subbaiah, The Hon'ble High Court held that document can be marked for collateral purpose after impounding the document. In this case document is not impounded. Hence considering the facts and circumstance and as per the judgment of Hon'ble High Courts this court inclined to allow this petition.

In the result, the petition is allowed. The Ex.B1 is marked through the Dw1 is rejected. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 18<sup>th</sup> day of September 2025.

District Munsif,  
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.