

(1916) 04 MAD CK 0004
In the Madras High Court

Poomalai Udayan and Others

APPELLANT

Vs

Karuppa Servai

RESPONDENT

Date of Decision : 17-04-1916

Acts Referred:

Transfer of Property Act, 1882 — Section 54

Citation : 34 Ind. Cas. 921

Hon'ble Judges : Phillips, J;Bakewell, J

Bench : Division Bench

Judgement

1. The sale-deed in question related to a sale of an interest less than Rs. 100 in value, and its registration was therefore optional (Registration Act,

Sections 17 and 18). Section 54 of the Transfer of Property Act, 1882, provides that a transfer of land of a value less than Rs. 100 may be made

either by a registered instrument or by delivery; accordingly an unregistered instrument unaccompanied by delivery will not operate as a transfer;

but no provision of law has been cited which prohibits such a document from being admitted in evidence of the contract of sale. Section 49 of the

Registration Act deals only with documents required by Section 17 to be registered. We think that the present case differs from that of

Muthukaruppan Samhan v. Muthu Samban 25 Ind. Cas. 772 : (1914) M.W.N. 768, that there is clear evidence and a finding that there was an

oral sale and a transfer of the property or delivery of possession, and the document was merely in corroboration thereof.

2. The second appeal is dismissed with costs.