



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE HIRDESH

ON THE 4th OF FEBRUARY, 2026

MISC. PETITION No. 6774 of 2025

ANUPAM MITTAL AND OTHERS

Versus

FARIYAD ANSARI

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Appearance:

Shri Dharmendra Singh Chauhan - Advocate for petitioners.

Shri Vivek Kumar Mishra- Advocate for respondent.
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ORDER

This Miscellaneous Petition has been filed under Article 227 of the Constitution of India by the petitioners (defendants) challenging the order dated 19.11.2025 passed by the First District Judge, Sheopur, in Regular Civil Suit No. 138-A of 2023.

2. In brief, the facts giving rise to the present petition are that the respondent-plaintiff filed a suit for specific performance of contract, permanent injunction, and recovery of amount, based on a sale agreement dated 25.01.2023. The agreement was executed between the plaintiff and the defendants- petitioners for the sale of agricultural land for a total consideration of Rs.1,50,00,000/-. The plaintiff paid an advance of Rs. 10,00,000/-, but the defendants failed to execute the sale deed. The petitioners filed a written statement denying the plaint averments and raised an objection regarding the admissibility of unregistered sale agreement. The



petitioners contended that agreement, being unregistered, could not be admitted into evidence as per Section 17(f) of the Registration Act, 1908. Petitioners objected to the trial Court's decision to address this objection during plaintiff's chief examination.

3. It is contended on behalf of petitioners that the impugned order passed by the trial Court is illegal and contrary to law. The objection regarding the unregistered agreement was a distinct issue and should have been decided separately before proceeding with evidence. The trial court erred in addressing the objection during the chief examination of the plaintiff, without affording them an adequate opportunity to present their case. They further claim that the unregistered agreement is inadmissible in evidence, and the impugned order has caused serious prejudice to them.

4. On the other hand, learned counsel for respondent argues that the objection raised by petitioners is without merit. The plaintiff's suit is based on the execution of agreement, and the refusal of defendants to execute the sale deed is central to the matter. The trial Court correctly addressed objection during the chief examination of plaintiff. The issue regarding the admissibility of documents can be raised at a later stage, and the trial Court has the discretion to decide whether to admit the document during trial. The respondent, therefore, seeks dismissal of the petition.

5. After hearing both parties and perusing the impugned order along with the relevant documents, it is found that the core issue in the present case case pertains to admissibility of unregistered sale agreement. The petitioners raised objections under Section 17(f) of the Registration Act, 1908,



contending that unregistered agreement was inadmissible in evidence. However, the trial Court rightly relied on the proviso to Section 49 of the Registration Act, which allows unregistered documents to be admitted as evidence in specific performance cases. Furthermore, the document was impounded in accordance with law, and possession of the property was not delivered under the agreement. The trial Court did not commit any legal error or procedural irregularity in exhibiting the document. There is no ground for interference, as the trial Court has correctly followed the legal principles.

6. In light of above discussion, Miscellaneous Petition fails and is hereby **dismissed**. No order as to costs.

(HIRDESH)
JUDGE

MKB