

Suit for permanent injunction – Unregistered agreement to sell – Suit for permanent injunction only on the basis of an unregistered agreement to sell for restraining the defendant from disturbing plaintiffs possession in the suit property – Defendant filed a counter-claim seeking the decree of possession – Plaintiff filed a suit simplicitor for permanent injunction only being conscious of the fact that plaintiff might not succeed in getting the relief of specific performance of such agreement to sell as the same was unregistered – In a given case, an unregistered document can be used and/or considered for collateral purpose – However, plaintiff cannot get the relief indirectly which otherwise he/she cannot get in a suit for substantive relief, namely, the relief for specific performance – Therefore, the plaintiff cannot get the relief even for permanent injunction on the basis of such an unregistered document/agreement to sell, more particularly when the defendant specifically filed the counter-claim for getting back the possession – Specific Relief Act, 1963 Section 38.

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