

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

RP.No. 247 of 2015 (N)

AGAINST THE JUDGMENT IN WP(C).NO.28139/2012 DATED 11/03/2014.

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REVIEW PETITIONERS/PETITIONERS:

1. SEBASTIAN GEORGE, NAGANOLIL HOUSE,
MUTHOLY P.O., KOTTAYAM DISTRICT.
2. LOVELY SEBASTIAN, NAGANOLIL HOUSE,
MUTHOLY P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.D.SREEKUMAR.

RESPONDENTS/RESPONDENTS:

1. THE JOINT REGISTRAR (GENERAL),
CO-OPERATIVE SOCIETIES, KOTTAYAM- 686 001.
2. THE MUTHOLY SERVICE CO-OPERATIVE BANK LTD. NO.1631,
THEKKUMMURY, PULIYANNOOR P.O.,
KOTTAYAM DISTRICT, PIN - 686 573,
REPRESENTED BY ITS SECRETARY.
3. THE SECRETARY,
THE MUTHOLY SERVICE CO-OPERATIVE BANK LTD. NO.1631,
THEKKUMMURI, PULIYANNOOR P.O.,
KOTTAYAM DISTRICT, PIN - 686 573.

* ADDL. R4 IMPEADED

4. THE MEENACHAL SUB REGISTRAR,
SUB REGISTRAR'S OFFICE, PALA.

* IMPEADED AS PER ORDER DATED 29.06.2015 IN IA. NO.266/2015.

R1 & ADDL. R4 BY SR. GOVT. PLEADER SRI.K.K. SAIDALAVI.
R2 & R3 BY ADV. SRI.MATHEW JOHN.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 18-11-2015, THE COURT ON THE SAME DAY PASSE
THE FOLLOWING:

rs.

A.V.RAMAKRISHNA PILLAI, J.

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R.P No.247 of 2015

in

W.P(C) No.28139 of 2012

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Dated this the 18th day of November, 2015

ORDER

This review petition was necessitated since the Sub Register had raised an objection to register the re-conveyance deed as directed by this Court for want of remittance of registration fee and stamp duty. It was specifically made clear in the judgment that the petitioners are entitled to get stamp duty and registration fee waived as per SRO 75/60. Therefore, the present objection raised by the concerned Sub Registrar, who is the additional 4th respondent cannot be countenanced.

2. Though the learned counsel for the petitioners submits that if the prayer in the writ petition to quash Ext.P3 is granted the old conveyance would automatically revive, it has to be noted that re-conveyance is required to protect the

interest of the petitioner. Moreover there were no grounds to hold that Ext.P3 is illegal.

Therefore, the review petition is disposed of directing the additional 4th respondent to execute conveyance deed without insisting for stamp duty and registration fee, within a period of one month from the date of receipt of a copy of this order.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj

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P.A to Judge