

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WA.No. 1102 of 2013 () IN WP(C).13018/2013

JUDGMENT IN WP(C) 13018/2013 of HIGH COURT OF KERALA DATED 05-06-2013

APPELLANT/RESPONENT IN THE WRIT PETITION:

THE SUB REGISTRAR
NILAMBUR, MALAPPURAM DISRICT, PIN:679 329.

BY SENIOR GOVERNMENT PLEADER P. FAZIL

RESPONDENT/PETITIONER IN THE WRIT PETITION:

TENNIS JOSEPH
S/O JOSEPH, THEKKETHOTTIYIL HOUSE, NILAMBUR
MALAPPURAM DISTRICT - 679329.

BY ADV. SRI.BABU S. NAIR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 22-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA.No. 1102 of 2013

APPENDIX

APPELLANT'S ANNEXURES:

ANNEXURE A: A PHOTOCOPY OF THE DOCUMENT NO.3841/07 OF SUB
REGISTRY OFFICE, NILAMBUR.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

W.A. No.1102 of 2013

Dated this the 22nd of May, 2015

JUDGMENT

Antony Dominic,J.

Respondent in writ petition No.13018 of 2013 is the appellant. The writ petition was filed by the respondent herein seeking a direction to the appellant herein to treat Ext.P3 as a correction deed and register the same in accordance with law. By the judgment under appeal, the learned Single Judge allowed the aforesaid relief. It is this judgment which is under challenge and the contention raised is that the document can be construed only as a sale deed and that the applicable stamp duty should be paid thereon.

2. Having heard the learned Government Pleader for the appellant and the learned counsel for the respondent, what we find is that Ext.P1 is the sale deed obtained by the respondent herein. By that document, he has purchased 15 cents of land of which 1 cent of land is shown as situated in R.S.No.54/2 and 14 cents of land is shown as situated in R.S.No.54/4. In Ext.P3, the

aforesaid description of the property is sought to be corrected. In this document though total extent of the property is retained as 15 cents itself, 14 cents of land is shown to be in R.S. No.54/2 and 1 cent is shown to be in R.S. No.54/4. This, therefore, shows that parties to Ext.P1 and P3 are the same, the extent of the property remains the same and the only difference is that survey number of the property is sought to be corrected. This, therefore, means that Ext.P3 is only a correction deed and it was, therefore, that the learned Single Judge directed the appellant to treat Ext.P3 as a correction deed and register the document on that basis. We do not think that this view taken by the learned Single Judge suffers from any infirmity calling for interference.

The appeal fails and it is accordingly dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. to Judge