

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 10231 of 2015 (D)

PETITIONER(S)/PETITIONER:

**PANIKARAKATH ABDUL SATHAR, AGED 63 YEARS
S/O.MAMMU HAJI, BUSINESS, THAILAKANDY HOUSE
P O IRRIKKUR, TALIPARAMB TALUK, KANNUR-670593**

BY ADV. SRI.K.RAJESH SUKUMARAN

RESPONDENT(S)/RESPONDENTS:

**THE SUB-REGISTRAR
SUB REGISTRAR OFFICE, KANNUR-670 001**

R1 BY ADV. GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:- COPY OF THE SALE DEED PREPARED ON 5/2/2015 BETWEEN SHAKEELA, ASEELA AND SAJIDA AND THE PETITIONER**
- EXT.P2:- COPY OF THE PLAINT FILED BY PUTHIYA MALIYEKKAL ABDUL NAZAR BEFORE THE MUNSIF COURT, KANNUR AS OS 43/2015**
- EXT.P3:- COPY OF THE ATTACHMENT PETITION , IA NO.374/2015 IN OS NO.43/2015 FILED BEFORE THE MUNSIF COURT, KANNUR**
- EXT.P4:- COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED FROM THE OFFICE OF THE RESPONDENT**
- EXT.P5:- COPY OF THE LAWYER NOTICE DTD 16/2/2015 ISSUED TO THE RESPONDENT**

RESPONDENT(S)' EXHIBITS:

- EXT.R1(A):- COPY OF THE ORDER DATED 07.02.2015 ISSUED BY THE HON'BLE PRINCIPLE MUNISIFF COURT.**

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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Dated this the 4th day of June, 2015

J U D G M E N T

The petitioner seeks for registration of Ext.P1, which according to him despite being presented before the respondent was returned for reason of there being an attachment order.

2. The learned Government Pleader has filed a statement, in which an order issued by the Principal Munsiff Court, Kannur, is produced as Ext.R1(a). On going through the order, it is seen that there is an injunction against the vendors in Ext.P1. The submission of the learned Counsel for the petitioner is that Ext.P3 is the I.A filed before the Munsiff Court, Kannur and that the prayer was only for an attachment and the present order produced by the Government has been wrongly issued by the Munsiffs Court, Kannur in the wrong format as available in the Civil Procedure Code.

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3. If that be so, it is for the petitioner to get himself impleaded or for the vendor of the petitioner, who is a party in the suit to go before the Munsiffs Court, Kannur and place before the said Court the mistake committed if any and seek rectification of the same. The writ petition for registration at this point cannot be maintained. The petitioner would be left open his remedies as directed herein above.

The writ petition hence would stand closed.

Sd/-

K. VINOD CHANDRAN,

JUDGE

SB

// true copy //

P.A to Judge.