

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 17916 of 2015 (L)

PETITIONER :

**K.R.NALINI
AGED 85, W/O. LATE KARTHIKEYAN
RESIDING AT KAITHAVALAPPIL HOUSE,
OCHANTHURUTHU KARA
OCAHANTHURUTHU P.O., PIN – 682 508.**

**BY ADVS.SRI.P.BENJAMIN PAUL
SRI.SAJI VARGHESE KAKKATTUMATTATHIL**

RESPONDENTS :

**1. STATE OF KERALA
REGISTRATION DEPARTMENT
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM-695 001.**

**2. THE SUB REGISTRAR
NJARAKKAL SUB REGISTRY OFFICE, NJARAKKAL
KOCHI-682 508.**

R1 & R2 BY SR. GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

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APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1- TRUE COPY OF THE PARTITION DEED EXECUTED BY THE PETITIONER
AND HER CHILDREN DATED 12-6-2015.**

**EXHIBIT P2- TRUE COPY OF THE DOCUMENT NO. 10/1955 OF THE SRO,
NJARAKKAL.**

**EXHIBIT P3- TRUE COPY OF THE LETTER DATED NIL REJECTING EXHIBIT P1
PARTITION DEED BY THE 2ND RESPONDENT.**

EXHIBIT P4- TRUE COPY OF THE TAX RECEIPT DATED 22-12-2014.

EXHIBIT P5- TRUE COPY OF THE BUILDING TAX RECEIPT DATED 16-7-2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

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Dated this the 29th day of June, 2015

J U D G M E N T

The petitioner is the wife of one Karthikeyan, who along with her 10 children have entered into a partition of the properties of the deceased Karthikeyan. By Ext.P1, the undivided share of the property more fully described in the two schedules appended to the partition deed, has been allotted to the petitioner and her male children. The daughters have been paid consideration in accordance with their shares. The petitioner produced the deed for registration before the 2nd respondent / the Sub Registrar, Njarakkal, which was declined for reason that the petitioner's predecessor in interest had obtained the same only through a will.

2. The brief back ground facts necessary is that the

father of Karthikeyan had a Karaima right in the property, which on his death devolved upon Karthikeyan as per a specific bequeath made by a will referred in the deed. On the strength of the will, which is also said to have been registered, Karthikeyan obtained mutation of the property in his name and he built a residential house in the premises, in which the petitioner is now residing. Exts.P4 and P5 indicates that subsequent to the death of Karthikeyan, mutation was effected in favour of the petitioner and her children and building tax was also being received for the residential building from the petitioner as is indicated in Ext.P5.

3. In such circumstance, the action of the 2nd respondent in declining the registration is found to be improper and not according to the provisions of law. The petitioner hence would produce Ext.P1 deed before the 2nd respondent / Sub Registrar, within a period of one week from today and the 2nd

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respondent would register the same immediately on such production.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.