

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 27015 of 2015 (B)

PETITIONER :

**O.K.PAVITHRAN
AGED 57 YEARS, S/O.LATE O.K.GOPALAN,
'GANGODRI', NEAR S.S.TEMPLE
PAYYANUR, P.O.PAYYANNUR, TALIPARAMBA TALUK
KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S) :

- 1. THE SUB REGISTRAR,
SUB REGISTRAR'S OFFICE, PAYYANUR, P.O.PAYYANUR
KANNUR DISTRICT, PIN - 670 307.**
- 2. DISTRICT REGISTRAR
KANNUR AT THALASSERY, PIN - 671 104.**

R1 & R2 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 27015 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P-1: TRUE COPY OF WILL DATED 27.4.2013 IN RESPECT OF THE 'A' SCHEDULE PROPERTY OF THE PETITIONER.
- EXT.P-2: TRUE COPY OF LAND TAX RECEIPT ISSUED FROM PAYYANUR VILLAGE OFFICE DATED 25.9.2014 TO THE PETITIONER IN RESPECT OF 'A' SCHEDULE OF EXHIBIT P1 WILL.
- EXT.P-3: TRUE COPY OF LAND TAX RECEIPT ISSUED FROM PAYYANUR VILLAGE OFFICE DATED 25.9.2014 TO THE BROTHER OF THE PETITIONER IN RESPECT OF 'B' SCHEDULE OF EXHIBIT P1 WILL.
- EXT.P-4: TRUE COPY OF LAWYER NOTICE DATED 10.8.2015 ISSUED TO THE RESPONDENTS.
- EXT.P-5: TRUE COPY OF COMMUNICATION BEARING REF.NO.170/15 DATED 31.8.2015 ISSUED BY THE 1ST RESPONDENT TO THE COUNSEL OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.27015 of 2015

Dated this the 8th day of September, 2015.

J U D G M E N T

The petitioner, the beneficiary of an unregistered 'will', has executed a deed of conveyance. The registering authority refused to receive the deed of conveyance for registration for the reason that the 'will' is not registered and unsupported by valid orders of the court.

2. The 'will' is not a compulsorily registrable document. If any party has any grievance against the will, they are free to challenge the same in appropriate manner before the civil court. If the petitioner does not get any valid title based on the unregistered will, that will not enure to the benefit of transferee from the petitioner. In view of the fact that, the will is not compulsorily registrable document, there shall be a direction to the 1st respondent to accept any document executed by the petitioner for registration based on an unregistered will. It

is made clear that, if any competent civil court or any other court passes any order interdicting alienation, the 1st respondent is bound by it, notwithstanding the direction of this Court.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge