

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 35695 of 2015 (J)

PETITIONER :

**O.K.PAVITHRAN, AGED 57 YEARS
S/O. LATE O.K.GOPALAN, 'GANGODRI', NEAR S.S. TEMPLE
PAYYANUR, P.O.PAYYANUR, TALIPARAMBA TALUK
KANNUR DISTRICT-670 307.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S) :

**1. SUB REGISTRAR
SUB REGISTRAR'S OFFICE,
PAYYANUR, P.O. PAYYANUR
KANNUR DISTRICT-670 307.**

**2. DISTRICT REGISTRAR
KANNUR AT THALASSERY,
PIN-670 141.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 35695 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1 : COPY OF WILL DTD.27.4.2013 EXECUTED BY PETITIONER.

**EXT. P2 : COPY OF LATEST BASIC TAX RECEIPTS FOR THE YEAR 2015-2016
DTD.20.11.2015.**

**EXT. P3 : COPY OF REQUEST DTD.20.11.2015 SUBMITTED BY THE PETITIONER
BEFORE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 35695 of 2015

=====

Dated this the 17th day of December, 2015

J U D G M E N T

The petitioner had approached the Sub Registrar, Payyannur for registering a will executed in his favour in terms of Sec.40 of the Registration Act. The petitioner submits that will can be registered in terms of Sec. 40 r/w Rule 84 of the Registration Rules.

Sec.40 of the Registration Act provides as follows:

“Section-40. (1) Persons entitled to present Wills and authorities to adopt – (1) The testator, or after his death, any person claiming as executor or otherwise under a Will, may present it to any Registrar or Sub-Registrar for registration.

The way in which a Will is to be registered, after the death of testator, is provided under Part-XIII (c) of Registration of Rules (Kerala). Rule 85 deals with manner in which a Will is to be registered after the death.”

2. The petitioner also refers to judgment of the Hon'ble Allahabad High Court (Lucknow Bench) reported in AIR 2010 Allahabad 165, Krishna Kumar & Ors. v. Court of District Registrar / A.D.M (F&R), Raebareli & Ors. In the light of Sec. 40(1) r/w Rule 84 Registration Rules (Rules) and also in the

light of the above judgment, the Sub Registrar shall consider the request of the petitioner for registration within three weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE