

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 37369 of 2015 (U)

PETITIONER :

**SARASWATHY, AGED 64 YEARS,
W/O. SUBRAMANYAN, 1959/51, EDAPPALLY HOUSE,
INDIRA NAGAR, K.P.VALLON ROAD, KADAVANTHRA,
KADAVANTHRA P.O., ERNAKULAM DISTRICT - 682 020.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S):

- 1. SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR,
ERNAKULAM.**
- 2. AJAYGHOSH T.K.,
S/O. KARUNAKARAN, PALLURUTHY VADAKKUMMURI,
RAMESHWARAM VILLAGE, PALLURUTHY P.O.,
KOCHI TALUK.**

R1 BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 37369 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - THE TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE
HUSBAND OF THE PETITIONER AND THE 2ND RESPONDENT.**

P2 - TRUE COPY OF THE PLAINT IN OS. NO. 1366/2013.

P3 - THE TRUE COPY OF THE MEDIATION AGREEMENT DT. 07.10.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37369 of 2015

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Dated this the 16th day of December, 2015

J U D G M E N T

The petitioner submits that based on the settlement arrived before the mediation the 2nd respondent has agreed to convey his right in respect of the property comprised in Sy.No.780/8 of Elamkulam Village, Kanayannur Taluk, Ernakulam District to her. The consideration is 4 lakhs. The petitioner submits that though the consideration is 4 lakhs, the fair value of the land is higher than the consideration. It is submitted that the registering authority insisted to enter the fair value of the property as sale consideration in the sale deed. The petitioner has approached this Court seeking a direction to register the document based on the fair value without insisting to show the consideration as per the fair value. The learned Government Pleader also submits that they never insisted for showing the consideration as of the fair value. However it is insisted that the petitioner shall pay the fair value and stamp duty

as per the stamp Act for registration. Therefore the registering authority shall register the document, if necessary stamp duty is paid as per the fair value.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE