

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9724 of 2015
and M.P.No.1 of 2015

Jayachitra Sahaya Josephine

.. Petitioner

Versus

1. The Sub-Registrar
The Sub-Registrar Office Virugambakkam
Chennai-92.
- 2 The Inspector General of
Registration Office of The Inspector
General of Registration Santhome High Road
Chennai-4.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the First Respondent to receive the arbitration award dated 21.01.2015 passed by the Learned Arbitrator as appointed by this Honourable Court to be presented by the Petitioner and register the same.

For Petitioner : Mr.P.V.Balasubramaniam
For Respondents : Mr.Rm.Muthukumar
Government Advocate.

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that there was an agreement of family arrangement dated 04.01.2012 entered into between her and other family members to partition certain properties and certain dispute emanated between them. The petitioner filed an original petition in O.P.No.79 of 2013 before this Hon'ble Court praying for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 to partition the properties in view of the Arbitration clause contained in the agreement of family arrangement and this Court has appointed a retired Hon'ble Judge of this Court to act as an Arbitrator and to adjudicate the claim. The learned Arbitrator after full fledged trial, has passed an award dated 21.01.2015 suggesting the mode of partition between the parties.

There is also an additional award dated 30.01.2015, continuation of the earlier Award dated 21.01.2015, including the Schedule of certain items of property which already found place even in the claim petition itself.

3. The grievance expressed by the petitioner is that when the said award is presented for registration, the 1st respondent insisted the presence of the learned Arbitrator / retired Hon'ble Judge of this Court to be present and aggrieved by the said act, the petitioner has come forward to file this writ petition.

4. Mr.P.V.Balasubramanian, learned counsel appearing for the petitioner has drawn the attention of this Court to Section 32 of the Registration Act and would submit that in terms of sub section (a) of Section 32, it is not necessary for a person, viz., the Arbitrator to be present for the purpose of registering the documents and any beneficiary claiming the benefit under the decree or order, can also be present before the registering authority and present the document for registration and in the light of the said provision, there cannot be any impediment on the part of the respondents to register the Award and prays for appropriate orders.

5. This Court heard the submissions of Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the respondents

6. In the light of sub-section (a) of section 32, the 1st respondent is bound to register the Awards dated 21.01.2015 and 30.01.2015, to be produced by the petitioner, who is the beneficiary under the said Award.

7. In the result, the writ petition is disposed of and the 1st respondent is directed to receive the Award dated 21.01.2015 and the Additional Award dated 30.01.2015, to be produced by the petitioner, if the papers are otherwise in order and register the same in accordance with the provisions of the Registration Act, 1908 and the Rules framed thereunder. No Costs. Consequently, the connected Miscellaneous Petition is closed.

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s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Sub-Registrar
The Sub-Registrar Office Virugambakkam
Chennai-92.
- 2 The Inspector General of
Registration Office of The Inspector
General of Registration Santhome High Road
Chennai-4.

+ 1 cc to M/s.P.V.Balasubramaniam, Advocate SR 27017

+ 1 cc to Govt.Pleader, High Court, Madras SR 26862

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