

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.17917 of 2013

Gowramma

.. Petitioner

vs

1. The Sub Registrar  
Sub-Registrar Office  
Denkanikottai  
Krishnagiri District.
2. L.Triveni
3. L.Manjunath

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the first respondent to cancel the document registered in Doc.No.5536 of 2008 dated 31.12.2008 by considering the petitioner's representation dated 07.06.2013.

For Petitioner : Mr.R.Jayaprakash  
For Respondents: M/s.P.Rajalakshmi  
Government Advocate for R1  
RR2 & 3 - No appearance

ORDER

Heard Mr.R.Jayaprakash, learned counsel for the petitioner and M/s.P.Rajalakshmi, learned Government Advocate appearing for the first respondent. Though the respondents 2 and 3 have been served and their names also printed in the cause list, none appeared.

2. The petitioner seeks for a direction upon the first respondent to cancel the document registered as Doc.No.5536 of 2008 dated 31.12.2008 registered in the office of the Sub Registrar, Denkanikottai, Krishnagiri District.

3. According to the petitioner, the document mentioned above was registered in Book No.4 maintained in the office of the first respondent by respondents 2 and 3, based on an exparte decree passed on 12.11.2008, as against which, the petitioner filed an I.A.No.241 of 2010 seeking to set aside the exparte decree and the said application was allowed. Thereafter, the suit filed by respondents 2 and 3 in O.S.No.7 of 2006 was dismissed by the learned Subordinate

Judge, Hosur and the suit filed by the petitioner in O.S.No.148 of 2012 was decreed by a common order dated 28.02.2014. The petitioner, therefore, would state that the registration of the said document based on the exparte decree has to be necessarily cancelled and since the same was not considered by the first respondent, the petitioner has approached this Court by way of present writ petition.

4. In the light of the above, there will be a direction to the first respondent to consider the request made by the petitioner vide her representation dated 07.06.2013, after notice to the petitioner and respondents 2 and 3 and if it is found that the exparte decree has already been set aside and the suit filed by the respondents 2 and 3 have been dismissed, the first respondent shall cancel the entry in the books maintained in their office. The above direction shall be complied with by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

The Sub Registrar  
Sub-Registrar Office  
Denkanikottai  
Krishnagiri District.

+ 1 cc to the Government Pleader Sr.4420  
+ 1 cc to M/s. R. Jayaprakash, Advocate Sr.4068

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GP(CO)  
Eu 06.02.15

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