

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.23924 of 2016

1.Shenbagavalli
2.R.Nagammal @ Nagalakshmi
3.S.Shanthi
4.S.Govindasamy ..Petitioners

Vs

1 The District Registrar,
Velappadi, Vellore,
Vellore District.
2 The Sub-Registrar,
Vaniyambadi,
Vellore District. ..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to register the partition deed dated 08.10.2015 produced by the Petitioners and release the same in accordance with law.

For Petitioners: Mr..R.Margabandhu

For Respondents: Mr.A.N.Thambidurai,
Spl. Government Pleader

O R D E R

The Petitioners have filed the above Writ Petition to issue a writ of Mandamus directing the second respondent to register the Partition Deed dated 08.10.2015 produced by the petitioners and release the same in accordance with law.

2. It is the case of the petitioners that they presented the Partition Deed dated 08.10.2015, for registration before the second respondent. However, the same was declined by the 2nd respondent, stating that one Kalaimani had presented a protest petition requesting the second respondent not to register the document, since she

has filed an appeal before the Sub-Court, Vaniyambadi in A.S.No.6 of 2015 against the Judgment and decree passed in O.S.No.303 of 1995 by the learned Additional District Munsif, Vaniyambadi.

3. The Learned Counsel appearing for the Petitioners submitted that the trial Court had decreed the suit in O.S.No.303 of 1995 in favour of the petitioners and therefore, mere pendency of the appeal shall not be put against the petitioners for getting the Partition Deed registered.

4. Since the suit in O.S.No.303 of 1995 had ended in favour of the petitioners, the second respondent cannot wait till the dispute between the parties reach finality for registering the Partition Deed.

5. In such view of the matter, I direct the second respondent to register the Partition Deed dated 08.10.2015 produced by the petitioners, if the document is otherwise in order and release the same to the petitioners. If any party is aggrieved over the execution of the Partition Deed, he or she can challenge the document before the Competent Civil forum.

6. With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

vsm/rka

To

- 1 The District Registrar,
Velappadi, Vellore,
Vellore District.
- 2 The Sub-Registrar,
Vaniyambadi,
Vellore District.

+1cc to Mr.R.Margabandhu,Advocate sr.22598

+1cc to Government Pleader sr.22187

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rj (co)
ss(21/4/2017)