



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.10131 of 2017 and
W.M.P. (MD) No.8352 of 2017

Samayana Sintha

... Petitioner

-vs-The Sub Registrar,
Sub Registrar Office,
Neelankarai,
Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to impugned order of the respondent proceedings in Na.Ka.No.122 of 2017 dated 10.03.2017, quash the same and consequently direct the respondent to register the final decree dated 27.07.2016 passed in I.A.No.284 of 2013 in O.S.No.236 of 2012 on the file of Additional Subordinate Judge, Tirunelveli.

(Prayer amended as per the order of this Court dated 23.10.2017)

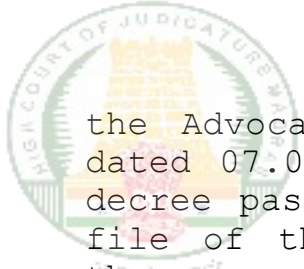
For Petitioners	:	Mr.R.Pon Karthikeyan
For Respondent	:	Mr.M.Alagathevan Spl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to quash the impugned order of the respondent proceedings in Na.Ka.No.122 of 2017 dated 10.03.2017 and consequently direct the respondent to register the final decree dated 27.07.2016 passed in I.A.No.284 of 2013 in O.S.No.236 of 2012 on the file of Additional Subordinate Judge, Tirunelveli.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that the petitioner, after relinquishing his partnership, requested for his half share and his partner refused to give his portion of shares, which resulted in filing a suit against her. Pursuant to the preliminary decree granted in favour of the petitioner on the basis of the report of



the Advocate Commissioner, the petitioner sent a representation dated 07.03.2017 to the respondent for registration of the final decree passed in I.A.No.284 of 2013 in O.S.No.236 of 2012 on the file of the Additional Subordinate Judge, Tirunelveli. However, the respondent has passed the impugned order, declining the request of the petitioner on the ground that only after receipt of the final decree from the Trial Court, necessary entries will be made in the records. Aggrieved by the same, the petitioner is before this Court.

4. From the averments raised in the affidavit filed in support of the petition, it could be inferred that when the petitioner was able to produce a copy of the order passed by the Trial Court in O.S.No.236 of 2012, there is no rhyme or reason whatsoever for the respondent to deny the same. Hence, the impugned order is un-sustainable and is liable to be set aside.

5. Accordingly, this petition is allowed and the impugned order dated 10.03.2017 is set aside. The matter is remitted to the respondent for fresh consideration, who in turn shall pass necessary orders afresh on the matter based on the representation of the petitioner dated 07.03.2017, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is at liberty to furnish a copy of decree and judgment along with a copy of this order to the authority concerned forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To:

1. The Additional Subordinate Judge,
Tirunelveli.
2. The Sub Registrar,
Sub Registrar Office,
Neelankarai,
Chennai.

+ 1 CC TO Mr.R.PON KARTHIKEYAN, ADVOCATE IN SR No. 83121
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83330

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TE/SKN-RSK/SAR-IV : 02/11/2017 : 2P/5C

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