

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.25075 of 2018

1.K.K.Thirumurugan
2.T.Santhanalakshmi

.. Petitioners

Vs

1.The Inspector General of Registration,
100, Santhome High Road,
Mylapore, Chennai - 600 028.

2.The District Registrar,
Chennai Central,
268, Bharathi Salai,
Express Estate, Royapettah,
Chennai - 600 014.

3.The Sub Registrar,
Ashok Nagar,
No.602, 1st Floor, Alagirisamy Salai,
Sector 9, K.K.Nagar, Chennai - 600 083.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to register the fair and decreetal order dated 03.04.2018 in I.A.No.1216 of 2018 in O.S.No.6768 of 2012 produced for registration on the file of the 3rd respondent vide T.P.No.13528754/2018.

For Petitioners : G.Vijayakumar

For Respondents : Mr.T.M.Pappiah

Special Government Pleader
(Registration)

ORDER

The petitioners have come up with this writ petition, for a mandamus, directing the respondents to register the fair and decreetal order dated 03.04.2018 in I.A.No.1216 of 2018 in O.S.No.6768 of 2012, which was kept as pending vide T.P.No.13528754/2018 by the third respondent

2. The case of the petitioners is that they are the absolute owners of the property at Plot No.131, Door No.1/3, Dhadirathinam Street, West Saidapet, Chennai. However, one

Narayanan filed a suit in O.S.No.6768 of 2012, before the XI Assistant City Civil Court, Chennai, with respect to the aforesaid property against erstwhile owner and obtained an ex-parte decree on 07.08.2014 and got it registered before the third respondent. Aggrieved over the same, the petitioners filed an application in I.A.No.1216 of 2018 in O.S.No.6768 of 2012 to set aside the ex-parte decree and the same was allowed in their favour on 03.04.2018. Thereafter, they presented the fair and decreetal order dated 03.04.2018, for registration before the third respondent. However, the third respondent is keeping the same as pending. Hence, the petitioners are before this Court.

3. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that if the petitioners produce sufficient documents to the effect that the XI Assistant City Civil Court, Chennai, has set aside the aforesaid ex-parte decree, the respondents would consider the same on merits and in accordance with law.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioners to submit required documents before the third respondent within a period of two weeks from the date of receipt of a copy of this order. On such submission, the third respondent shall consider the same and pass appropriated orders on merits and in accordance with law within a period of two weeks thereafter, after affording an opportunity of hearing to all the parties concerned.

5. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Inspector General of Registration,
100, Santhome High Road,
Mylapore, Chennai - 600 028.

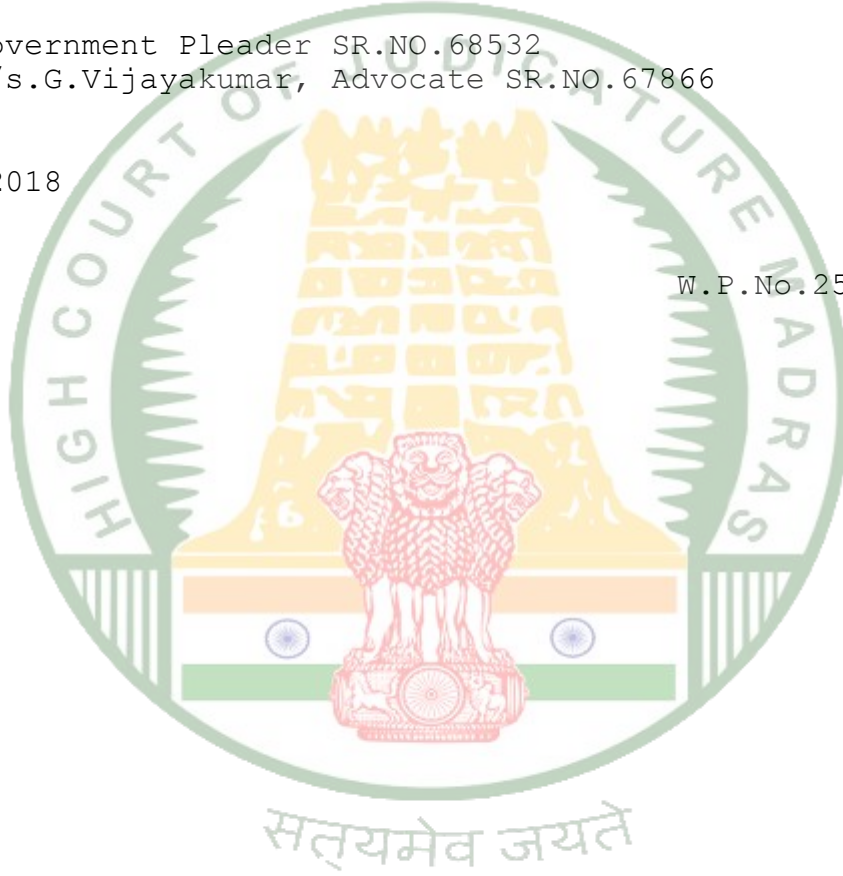
2.The District Registrar,
Chennai Central,
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Express Estate, Royapettah,
Chennai - 600 014.

3.The Sub Registrar,
Ashok Nagar,
No.602, 1st Floor, Alagirisamy Salai,
Sector 9, K.K.Nagar, Chennai - 600 083.

+1cc to Government Pleader SR.NO.68532
+1cc to M/s.G.Vijayakumar, Advocate SR.NO.67866

RR(CO)
sm:23.11.2018

W.P.No.25075 of 2018



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