

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16267 of 2018

M/s.Shiksha Financial Services
India Private Limited,
rep. by its Senior Manager-Legal

.. Petitioner

-vs-

1.S.T.Moses Educational Trust,
rep. by its Managing Trustee
Mrs.Stella Pushparaj
No.73/41-A, Karukku Main Road,
Ambattur-Menambedu,
Chennai-600 053.

2.Stella Pushparaj

3.The Sub Registrar,
Neelangarai Sub Registrar's Office,
2nd Street, Kazura Garden,
Neelangari, Chennai-600 041.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 10.03.2018 and to register the interim award of the Sole Arbitrator Mr.M.Ganesan dated 31.01.2018 passed in M.P. No.1/2018 in Arbitration Case MG No.4/2018.

For Petitioner :: Mr.S.Krishnaa

For Respondents :: Mr.T.M.Pappiah,
Special Government Pleader
for R3

ORDER

The petitioner has come to this Court seeking a direction to the third respondent to consider his representation dated 10.03.2018 and to register the interim award of the Sole Arbitrator Mr.M.Ganesan dated 31.01.2018 passed in M.P. No.1/2018 in Arbitration Case MG No.4/2018.

2.Learned counsel for the petitioner would submit that the petitioner is a private limited company and the first respondent Trust has borrowed a sum of 10,00,000/- from the petitioner under a loan agreement dated 22.01.2016 and the second respondent has stood as a personal guarantor for the said loan amount. He would further submit that as the first respondent has not repaid the instalments properly, the petitioner invoked the Arbitration Clause and the Arbitrator entered reference and a Claim Petition in Arbitration Case MG No.4 of 2018 was filed by the petitioner. While so, the petitioner filed an Application before the Arbitrator for an interim injunction restraining the second respondent from selling or creating any encumbrance over the property and by order dated 31.01.2018, the said Arbitrator had passed an interim award allowing the said application for interim injunction. Thereafter, the petitioner approached the third respondent to register the interim award dated 31.01.2018. But the same was refused on the ground that it is only an interim award.

3.Learned Special Government Pleader appearing for the third respondent, referring to Section 17e of the Registration Act, would submit that it is a case where the Sub Registrar ought to have accepted the request of the petitioner.

4.In view of the admitted position, it is pertinent to extract Section 17(e) of the Registration Act as under:

17(e). Non-testamentary instruments transferring or assigning any decree or order of a Court or any Award where, such decree or order or Award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property.

5.A perusal of the above Section would show that the third respondent is duty bound to register the said interim award. Therefore, the third respondent is directed to register the interim award forthwith on payment of necessary charges.

6.Accordingly, this writ petition is disposed of. No costs.

Speaking/Non speaking order
vga

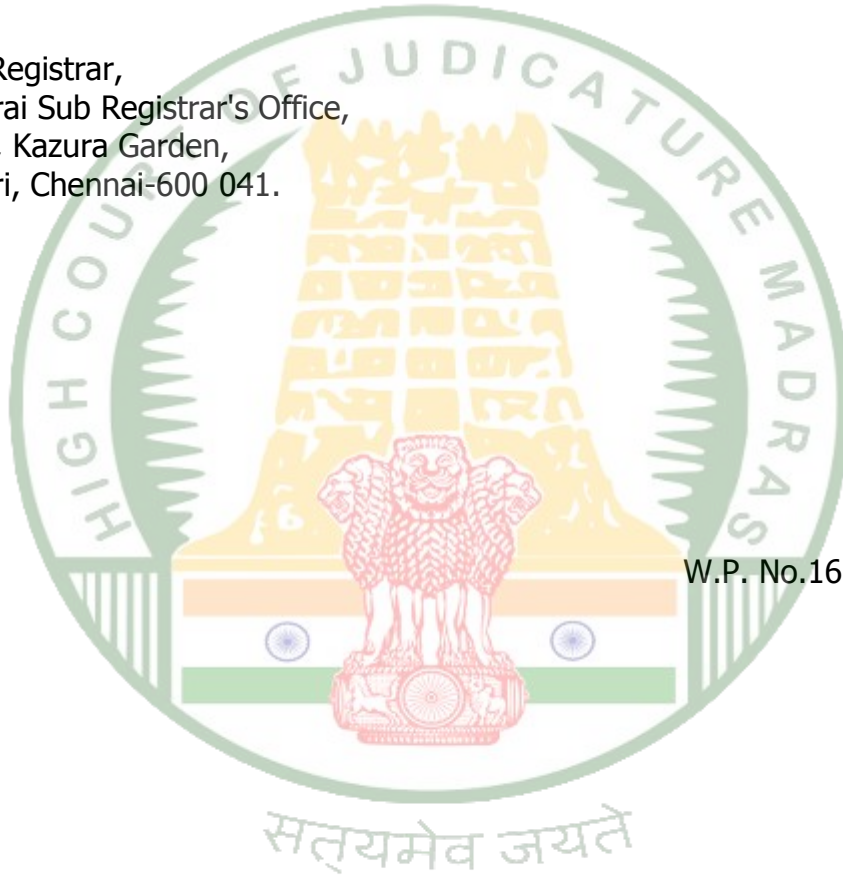
04.07.2018

T.RAJA, J.

vga

To

The Sub Registrar,
Neelangarai Sub Registrar's Office,
2nd Street, Kazura Garden,
Neelangari, Chennai-600 041.



W.P. No.16267 of 2018

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