



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.31766 of 2019
& W.M.P.No.31990 of 2019

1. Jayamani
2. K.Subramaniam
3. Rajkumar
4. Hema

... Petitioners

/versus/

The Sub Registrar,
Chennimalai Sub Registrar Office,
Erode District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned order/Refusal Check Slip dated 12.09.2019 passed by the respondent in RFL/Chennimalai/42/2019 issued by the respondent quash the same and consequently direct the respondent to register partition deed dated 12.09.2019 presented on 12.09.2019.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioners and the Learned Special Government Pleader for the respondent.

2. The short point involved in this case is that, the petitioners are wife, son and daughter of one Subramaniam (2nd Petitioner). On 09.01.2015 a compromise decree was entered between the parties in O.S.No.149 of 2012 and duly registered as Document No.1435 of 2015. The 2nd petitioner/Subramaniam derived title to the property under the said compromise decree. Subsequently, with intention to divide it among his family



members, they entered into a partition deed on 12.09.2019 and presented the same for registration before the respondent. But the respondent has refused to register the partition deed stating that, the said partition deed cannot be considered as deed of partition among the family members.

3. The recital of the partition deed entered between the petitioners herein on 12.09.2019 indicates that, it is a division of assets between Subramaniam her wife Jayamani, his son Rajkumar and her daughter Hema. The properties are divided into four parts and each one of them are entitled for their respective schedule. While so, it is without any basis, the respondent has observed that it cannot be considered as a document entered between the family members, which is factually not correct. Hence, the order of the Sub-Registrar, Chennimalai, Erode, is liable to be quashed.

4. The Learned Special Government Pleader for the respondent submits that, if the petitioner present the original document with other relevant certificates, same will be registered, in accordance with law.

5. The said submission is recorded. Writ Petition is Allowed. The impugned order passed by the Sub-Registrar is quashed. The Sub-Registrar, Chennimalai, Erode, is directed to accept the document partition deed dated 12.09.2019 and register the same in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Sub Registrar,
Chennimalai Sub Registrar Office, Erode District.

+1 cc to M/s.R.Prabakar, Advocate Sr.No. 95365
+1 cc to The Government Pleader Sr.No. 96058

AKM/09.01.2020/2P-4C /

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