

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.21930 of 2013 and
M.P.No.1 of 2013

1. R. Nagarajan
2. Annalakshmi ... Petitioners

v.

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 4.
2. The District Registrar,
Namakkal District,
Trichy Road, Namakkal.
3. The Sub Registrar,
Mallasamuthiram,
Thiruchengode Taluk,
Namakkal District.
4. A. Ramasamy Gounder
5. Nallaiya Gounder
6. Pavayeeammal
7. N. Dhanasekaran
8. V. Selvan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to cancel the registration of the preliminary decree and judgment dated 24.11.2012 made in A.S. No.12 of 2012 on the file of the Principal District Court, Namakkal and the consequential sale deed dated 10.07.2013 executed by respondents 4, 5 and 6 in favour of the respondents 7 and 8.

For Petitioners: Mr. R. Bharanidharan

For Respondents: Mr. P.P. Purushothaman
Govt. Advocate - for R1 to R3
Mr. N.C. Ashok Kumar - for R4 to R8

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 2 and 3 to cancel the registration of the preliminary decree and Judgment dated 24.11.2012 made in A.S. No.12 of 2012 on the file of the Principal District Court, Namakkal and the consequential sale deed dated 10.07.2013 executed by respondents 4, 5 and 6 in favour of the respondents 7 and 8.

2. Mr. R. Bharanidharan, learned counsel appearing for the petitioners submitted that as against the preliminary decree passed in A.S. No.12 of 2012, the petitioners have filed Second Appeal in S.A. No.34 of 2013 and the same is pending before this Court.

3. Since the private respondents have registered the preliminary decree in A.S.No. 12 of 2012, which is under challenge in the Second Appeal, in the event of the petitioners succeeding in the Second Appeal, the Judgment and Decree to be passed in the Second Appeal may be registered by them instead of cancelling the registration of the preliminary decree dated 24.11.2012. So far as the sale deed dated 01.07.2013 is concerned, it is open to the petitioners to work out their remedy in the case of they succeeding in the Second Appeal.

With these observations, the Writ Petition is disposed of. No costs. Consequently the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 4.
2. The District Registrar,
Namakkal District,
Trichy Road, Namakkal.

3. The Sub Registrar,
Mallasamuthiram,
Thiruchengode Taluk,
Namakkal District.

+1cc to Mr.C.Jagadish, Advocate, S.R.No.26219
+1cc to the Government Pleader, S.R.No.26255

W.P.No.21930 of 2013 and
M.P.No.1 of 2013

AD(CO)
CB(20/08/2020)



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