

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.1842 of 2021

Mrs.M.Subbulakshmi

...Petitioner

-Vs-

1.The District Registrar,
Collectorate Compound,
102, State Bank Road,
Gopalapuram, Coimbatore Central,
Coimbatore - 641 018.

2.The Sub Registrar,
104, Taluk Office Campus,
Coimbatore Road,
Pollachi, Coimbatore - 642 001.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to register the Will dated 25th August 2020 of late Mr.S.Gobinathan presented by the Petitioner in accordance with the law within the time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sridharan

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The present Writ Petition is filed seeking a direction to the second respondent to register the Will dated 25.08.2020 executed by the husband of the petitioner, posthumously after the death of the testator.

2.The learned counsel for the petitioner submitted that Section 40 r/w Section 41 of the Registration Act enables posthumous Registration of the Will.

3.Mr.T.M.Pappiah, learned Special Government Pleader took notice for the respondents and made a submission that the registering Authority will duly comply with the provisions of

Section 40 r/w Section 41 of the Registration Act, as and when the Will required to be registered, is presented before the Registering Authority, after complying with all the requisite procedure.

4.The learned counsel for the petitioner would submit that the Will can be presented for registration after complying with all the requisite procedure within a period of eight (8) weeks from the date of receipt of a copy of this order.

5.Accordingly, the Writ Petition is allowed and the petitioner is directed to present the Will of her husband, late S.Gobinathan, dated 25.08.2020 within a period of eight weeks from the date of receipt of a copy of this order before the second respondent, whereupon, the second respondent shall register the same strictly in accordance with law within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Tsg

To

1.The District Registrar,
Collectorate Compound,
102, State Bank Road,
Gopulapuram, Coimbatore Central,
Coimbatore - 641 018.

2.The Sub Registrar,
104, Taluk Office Campus,
Coimbatore Road,
Pollachi, Coimbatore - 642 001.

+1cc to Mr.S. SRIDHARAN, Advocate, S.R.No.8444

+1cc to the Government Pleader, S.R.No.9206

SM1 (CO)
SM/04/03/2021

Order made in

W.P.No.1842 of 2021