

WMP.No.6203 of 2021

in

WP. No.2538 of 2021

N.SESHASAYEE, J.

Heard, Mr.M.Vijaya Kumar, learned counsel for the petitioner and Mr.Muthumani Doraisami, learned counsel for the first respondent and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 2 to 5.

2. The learned counsel for the petitioner submitted that certain compromise decree passed in A.S.No.31 of 2012 is now sought to be registered and this Court vide its order dated 09.02.2021 has directed the Sub Registrar to register it under Section 17(2) of the Registration Act subject to the proviso in 17(2)(vi) of the Registration Act. The learned counsel further submitted that he is a third party to the said Section Appeal No.812 of 2013 and he has preferred an impleading application in the said Appeal which came to be dismissed against which he has preferred a Review Petition in CMP No.59 of 2020.

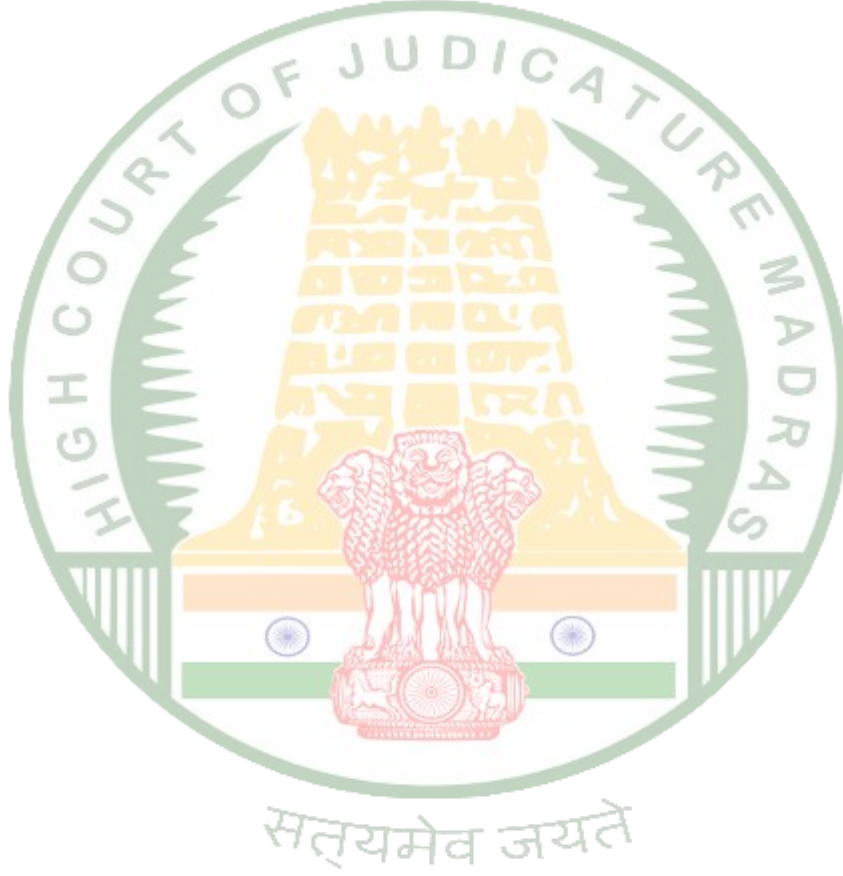
3. Mr.Muthumani Duraisamy, learned counsel for the first respondent (for the petitioner in W.P.No.2538 of 2021) has argued that the petitioner herein attempted to get clash into the Second Appeal by way of the impleading petition and that has been considered and rejected and therefore, the compromise decree has been passed by the authority and the petitioner is entitled to have it registered.

4.In view of the fact that the Review Petition now is pending, it is appropriate that the Registering Authority may hold on to the registration of the said compromise decree as was originally directed by this Court vide its order dated 09.02.2021 and now he may have to wait for the out come of the Review Petition. As and when the Review petition is concluded, the learned counsel for the Writ Petitioner may approach the Registering Authority to have the matter registered. The Registering Authority shall proceed to register the matters based on the out come of the Review Petition subject to what has stated above.

5. Accordingly, the WMP No.6203 of 2021 is disposed of.

04.03.2021

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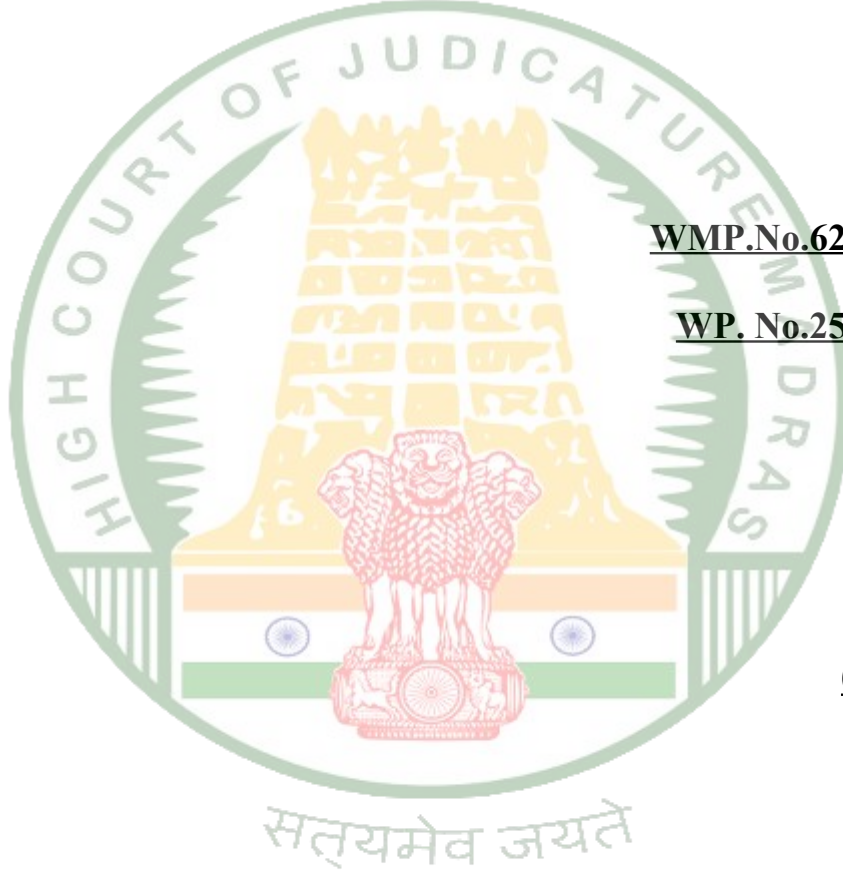


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