

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(NPD) No. 1267 of 2021

M.Ramalakshmi

...Petitioner

Vs.

1. A. Maharajan
2. The Sub-Registrar,
Office of the Sub-Registrar,
Thiruvottiyur,
Chennai – 600 019.
...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking direction to the learned District Munsif, Thiruvottiyur, to dispose the memo dated 19.02.2020 on the file of the District Munsif Court, Thiruvottiyur.

For Petitioner : Mr.Ralph V. Manohar

ORDER

This Civil Revision Petition is filed seeking direction to the learned District Munsif, Thiruvottiyur, to dispose the memo dated 19.02.2020, on the file of the District Munsif Court, Thiruvottiyur.

2. The learned counsel for the petitioner submitted that he had filed a suit for declaration, cancellation deed dated 28.09.2012, to be declared as null and void and for mandatory injunction directing the second defendant to remove the entries made in the registers with regard to the registration of the cancellation deed dated 28.09.2012.

3. The learned counsel further submitted that the suit was decreed on 20.03.2015 and an appeal has been filed in A.S.No.26 of 2015 and the same was ended in settlement and a compromise decree was passed on 31.01.2018, in pursuance of the compromise entered into between the parties. Therefore, the issue between the parties had been settled out of court and the proceeding had come to an end. Thereafter, the petitioner filed a memo on 19.02.2020, before the learned District Munsif, Thiruvottiyur, to direct the second defendant to carry out the order of this court, for deleting the entries in the registration records in respect of the cancellation settlement deed dated 28.09.2012. This memo was not acted upon. Therefore, the present Civil Revision Petition is filed. When the matter came up before this court on 07.07.2021, this court directed the learned District Munsif, Thiruvottiyur, to send a report where, O.S.No.180 of 2012 is pending, with specific reference to the memo filed by the plaintiff/petitioner on 19.02.2020.

4. Accordingly, a report has been received. The order dated 23.07.2021, shows that a memo filed by the petitioner was returned stating that necessary petition in the affidavit has not been filed. This court directed the learned counsel for the petitioner to examine that particular aspect and take steps to represent the said memo.

5. Rule 89 of Civil Rules of Practise reads as follows:-

"Where any instrument affecting immovable property registered under the Indian Registration Act, 1908, is set aside, discharged or cancelled by an order or decree of a civil court, the court shall forthwith cause a copy of the decree or order drawn up on plainpaper to be forwarded to the registering officer; provided where such order or decree is modified, set aside or reversed, copies of further orders and decrees shall also be forwarded to the registering officer."

6.As per the compromise memo filed in appeal, A.S.No. 26 of 2015, one of the terms of the compromise is that the respondent does not have any objection for the petitioner to execute the decree passed in O.S.No.180 of 2012 as against the learned Sub-Registrar, Thiruvottiyur, and delete the entry in the registration records in respect of cancellation deed of settlement deed dated

28.09.2012.

7. Thus, it is clear that the dispute between the parties had been settled out of court. The respondents has no objection for executing the decree passed in O.S.No.180 of 2012, including the removal of entry relating to the registration of cancellation deed and settlement deed dated 28.09.2012. In such circumstances, the learned District Munsif Court, Thiruvottiyur is directed to pass appropriate orders in the memo dated 19.02.2020 filed by the petitioner by following the procedure of rule 89 of Civil Rules of Practise.

8. Accordingly, this Civil Revision Petition is disposed of. No costs.

ep/Jer

Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To

1.The District Munsif Court, Thiruvottiyur.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Thiruvottiyur,

Chennai – 600 019.

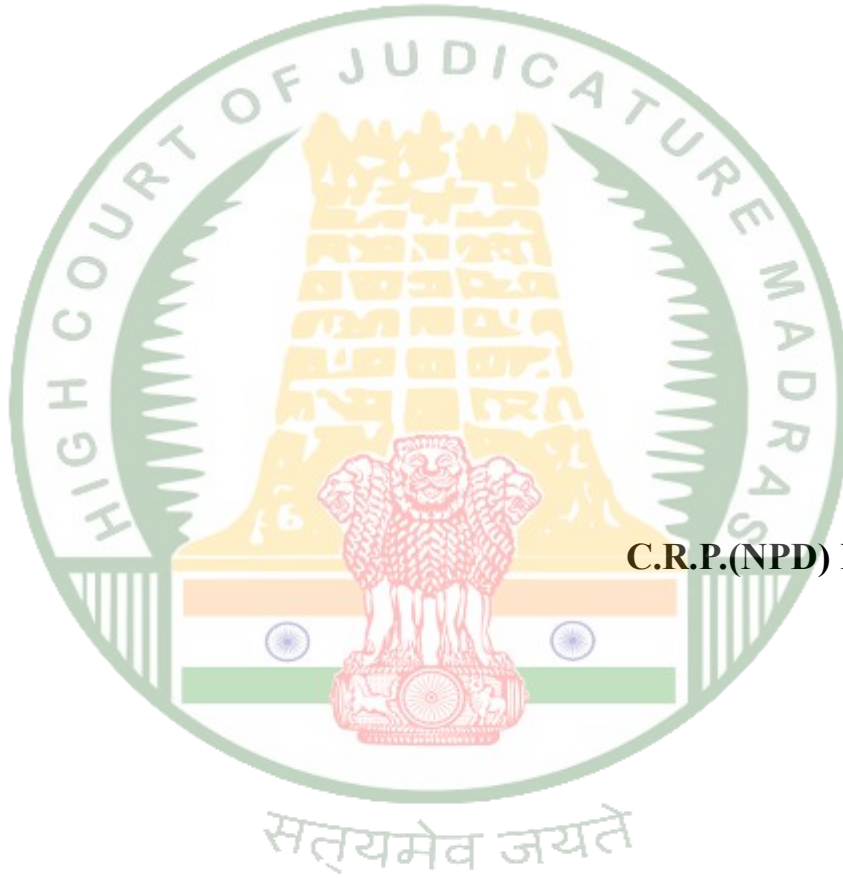
3.The Section Officer
VR Section

03.09.2021

High Court of Madras.

G.CHANDRASEKHARAN.J,

ep



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