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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19028 of 2021
and
W.M.P.No.20288 of 2021

S. Shanthipriya

... Petitioner

Versus

1. The Inspector General of Registrations,
Santhome High Road,
Mylapore, Chennai.
2. The District Registrar,
Chidambaram.
3. Bharathi.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the entire records pertaining to the settlement deed dated 22.01.2014 registered as Doc.No.223 of 2014 on the file of the District Registrar, Chidambaram and quash the same.

For Petitioner : Mrs. V. Mahathi Chari

For RR 1&2 : Mr. K.M.D. Muhilan
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Certiorari calling for the entire records pertaining to the settlement deed dated 22.01.2014 registered as Doc.No.223 of 2014 on the file of the District Registrar, Chidambaram and quash the same.

2. The case of the petitioner is that the property was originally belonged to her deceased father. The petitioner is



the young girl in her family. All her sisters are settled in their life. After the death of the petitioner's father, the petitioner and her mother staying alone. Taking undue advantage of the situation, the 3rd respondent herein who is none other than her blood sister and the petitioner's father settled two properties in her name for conducting petitioner's marriage at the time of the death of the petitioner's father. In the meanwhile, the petitioner was signed on the settlement deed as a witness. Subsequently, the said settlement deed was registered vide Document No.223 of 2014 on the file of District Registrar, Chidambaram. Moreover, the petitioner's father has also been handed over 50 sovereigns of gold to the 3rd respondent for conducting the petitioner's marriage. Thereafter, the 3rd respondent requested the petitioner and her mother to come to Chennai and promised to take care of them and to arrange for the petitioner's marriage. However, the 3rd respondent had failed to do the same. Following this, she has also given 110 grams of gold from her hard earned money and 50 sovereigns of gold were given by her father to the 3rd respondent herein. But, unfortunately, the 3rd respondent and her husband ill-treated the petitioner and was physically trashed by them. Moreover, they threatened the petitioner and her mother with dire consequences and they were staying alone with helpless. Hence, the original document of the settlement deed is not in the possession of the 3rd respondent. Therefore, the petitioner has come forward with the present writ petition to cancel the settlement deed dated 23.01.2014.

3. Heard both side and perused the records.

4. On perusal of the typed set of papers, it seen that the settlement deed dated 23.01.2014 had executed in favour of the third respondent by her deceased father. It is also seen that the petitioner has also signed in the said settlement deed as a witness. However, there are no averments in the said settlement deed regarding any condition is being imposed by the father of the sisters. Hence, this Court is of the view that the first respondent is directed to conduct an enquiry for deciding whether the aforesaid settlement deed was forcibly taken by her sisters or whether it was voluntarily executed by her father. Be that as it may, all these aspects have to be gone into only before the appropriate Civil Forum and not before this Court. At this juncture, the petitioner's prayer sought for in this writ petition cannot be granted and hence, there is no merit in the present writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. Further, this Court directs the petitioner has to approach the appropriate Civil Forum to redress her grievances in the manner



known to law. No costs.
Petition is also closed.

Consequently, connected Miscellaneous

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Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

msm

To

1. The Inspector General of Registrations,
Santhome High Road,
Mylapore, Chennai.
2. The District Registrar,
Chidambaram.

+1cc to the Government Pleader, S.R.No.46490

W.P.No.19028 of 2021

PM[co]
NSK 24/01/2022