

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14957 of 2014

V.Prema

... Petitioner

-Vs-

1. The Joint Sub Registrar,
Joint II Sub Registrar Office,
Coimbatore 641 018.

2. P.V.Asokan

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to incorporate the necessary details in their records on the basis of Judgment made in O.S.No.1148/2011 dated 02.03.2013 by the learned I Additional District Munsif, Coimbatore, on the basis of the petitioner's representation dated 17.06.2013.

For Petitioner : No appearance

For R1 : Mr.Richardson Wilson
Government Advocate

For R2 : Mr.L.Mouli.

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the first respondent to incorporate the necessary details in their records on the basis of Judgment made in O.S.No.1148/2011, dated 02.03.2013 by the learned I Additional District Munsif, Coimbatore, on the basis of the petitioner's representation dated 17.06.2013.

2. There is no appearance for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for the first respondent and Mr.L.Mouli, learned counsel appearing for the second respondent.

3. According to the petitioner, the property comprised in Survey No.571, originally belong to one Krishnasamy Konar. In turn he executed a Will in favour of the petitioner's vendor. After the demise of the said Krishnasamy Konar, the Will came into force and the vendor of the property became the absolute owner of the said property as per the Will. Thereafter, he executed a Power of Attorney in favour of one Mathiyalalgan, who in turn sold out to an extent of 1750 sq.ft out of larger extent in favour of the petitioner. However, the second respondent without any right, title over the property intervened on the basis of alleged sale deed. Therefore, the petitioner was concerned to file a suit in O.S.No.1148 of 2011 for permanent injunction.

4. He obtained an exparte decree in O.S.No.1148 of 2011 on 02.03.2013 on the file of the District Munsif Court, Coimbatore. Therefore the petitioner presented the Judgment and Decree for registration. However, it was not registered and as such the petitioner seeks direction by the present writ petition.

5. The learned counsel for the first respondent would submit that the petitioner had never presented the said document for registration. Under the Registration Act, 1908 the party concerned should appear before the registrar while presentation of the documents for registration. Admittedly, the petitioner had sent the Judgment and Decree for registration through post.

6. That apart, the learned counsel for the second respondent would submit that the said Judgment and Decree was obtained as exparte and subsequently it was set aside and the main suit itself has been dismissed for default on 08.03.2017. Therefore, the prayer sought for in this writ petition cannot be considered and the writ petition is devoid of merits and liable to be dismissed.

7. In the result, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Joint Sub Registrar,
Joint II Sub Registrar Office,
Coimbatore 641 018.

+1cc to Mr.L.Mouli, Advocate, S.R.No.57512

W.P.No.14957 of 2014

KV(CO)
SU(24/11/2021)