



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8731 of 2021

Krishnan

... Petitioner

Vs.

1.The Sub Registrar,
Kamuthi,
Ramanathapuram District.

2.Kottaiswari,
W/o Rajamanickam,
Kottaimedu,
Kamuthi Taluk,
Ramnad District.

... Respondents

(Second respondent is *suo motu* impleaded as a party respondent in this writ petition vide order dated 28.04.2021, in W.P.(MD).No.8731 of 2021)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent in RFL/Kamuthi/13/2021, dated 05.04.2021 and quash the same as illegal.

For Petitioner : Mr.S.Bharathy

For Respondent : Mr.K.Sathiya Singh for R1

ORDER

Ms.Kottaiswari, W/o Rajamanickam, Kottaimedu, Kamuthi Taluk, Ramnad District, is *suo motu* added as the second respondent in this writ petition.

2.On consent given by either side, the main writ petition itself is taken up for final hearing.

3.The subject matter of challenge in the present writ petition is the Refusal Check Slip issued by the first respondent, dated 05.04.2021, wherein, the first respondent has refused to register the document presented by the petitioner on the ground that the suit filed by the petitioner in O.S.No.46 of 2012, on the file of the



District Munsif Court, Kamuthi, is pending.

4. Heard Mr.S.Bharathy, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader, for the first respondent.

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5. The case of the petitioner is that he purchased the subject property by virtue of a registered sale deed, dated 15.02.2012, registered as document No.242/12, on the file of the first respondent. The petitioner wanted to sell this property and hence, he executed a sale deed, dated 05.04.2021, in favour of one Karuputhurai. When this document was presented for registration before the first respondent, the same was refused to be registered on the ground that a suit filed by the petitioner in O.S.No.46 of 2012, on the file of the District Munsif Court, Kamuthi, is pending.

6. In the considered view of this Court, the mere pendency of a Civil suit can never be a ground for refusing to register a document. Unless the transfer of property is restrained by any specific order passed in a pending suit, any transfer of property that takes place during the pendency of the suit will only be subject to the result of the suit, as per the doctrine of *lis pendense*. This position of law has been reiterated in various judgments.

7. In view of the above, this Court has absolutely no hesitation to interfere with the impugned Refusal Check Slip issued by the first respondent and accordingly, the same is quashed. The first respondent is directed to entertain the document presented for registration by the petitioner, if it is otherwise in order and necessary stamp duty and registration charges are paid. The documents shall be released after it is registered. It is also made clear that this transaction will be subject to the result of the suit that is pending on the file of the learned District Munsif, Kamuthi.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Sub Registrar,
Kamuthi,
Ramanathapuram District.

+1 CC to M/s.S.BHARATHI, Advocate (SR-18039[F] dated 29/04/2021)

+1 CC to M/s.AGP (SR-18054[F] dated 29/04/2021)

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28.04.2021

GS (10.06.2021) 3P 4C