



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Ninth day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice PUSHPA SATHYANARAYANA
and
The Hon`ble Mr.Justice P.VELMURUGAN

CMP (MD) No.8816 of 2021
IN
W.A.SR (MD) No.47963 of 2021

MUTHURAMALINGAM ... PETITIONER/ APPELLANT

Vs

1 MALATHI ... RESPONDENT/ RESPONDENT/
PETITIONER

2 THE SUB REGISTRAR
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT. ... RESPONDENT/ RESPONDENT/
RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant special leave to prefer an appeal as against the order passed in WP(MD)No.11782 of 2021 dated 14.07.2021.

PRAYER IN W.A.SR(MD)No.47963 of 2021:

To set aside the order passed by this Hon'ble Court in W.P(MD) No.11782 of 2021 dated 14.07.2021.

PRAYER in W.P(MD)No.11782 of 2021: Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Sub Registrar, Srivilliputhur, the respondent herein to register and release the sale Deed dated 24.06.2021 presented for registration, kept as pending Documents No.P/Srivilliputhur/15/2021 respectively within a time frame as may be fixed.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.PITCHAI MUTHU, Advocate for the petitioner, the court made the following order:-



(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

The petitioner claiming himself to be the aggrieved person in view of the order passed in W.P(MD)No.11782 of 2021, has sought the leave of this Court to prefer an appeal against the order passed in the above writ petition.

2.The writ petition was for a Mandamus, directing the Sub Registrar, Srivilliputhur, Virudhunagar District, to register and release the Release Deed dated 24.06.2021, which was presented for registration, but was kept pending in view of the objections raised by the petitioner herein. Merely because the objections are raised, the Registrar cannot keep the document pending unless the objector establishes his right, if any, in a manner known to law. The learned single Judge also has observed that upon perusal of the records, the property in question was purchased by the writ petitioner's husband through a registered document and the other relevant records are also standing in her husband's name. In view of the prima facie documents establishing the right and title of the writ petitioner's husband, the learned single Judge has directed the respondent to entertain the document and register the same. The petitioner herein cannot be a person aggrieved in this regard, in view of the judgment of the Hon'ble Supreme Court in V.N.Krishna Murthy and another vs. Ravikumar and others reported in (2020) 9 SCC 501, wherein, at paragraphs 19 and 20, it has been held as follows:-

'19.The expression 'person aggrieved' does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one, whose right or interest has been adversely affected or jeopardised.(vide Shanti Kumar R.Canji v. Home Insurance Co. of New York (1974) 2 SCC 387 and State of Rajasthan v. Union of India (1977) 3 SCC 592.

20.In K.Ponnalagu Ammani v. State of Madras 1952 SCC Online Mad 300, this Court laid down the test to find out when it would be proper to grant leave to appeal to a person not a party to a proceeding against the decree or judgment passed in such proceedings in the following words:

'Now, what is the test to find out when it would be proper to grant leave to appeal to a person not a party to a proceeding against the decree or judgment in such proceedings? We think it would be improper to grant leave to appeal to every person who may in some remote or indirect way be prejudicially affected by a decree or judgment. We think that ordinarily leave to appeal should be granted to persons who, though not parties to the proceedings, would be bound by the decree or judgment in that proceeding and who would be precluded from attacking its correctness in other proceedings.'



3. In view of the above proposition, we are also of the considered view that the petitioner herein cannot be said to be an aggrieved person and he is also not bound by the order passed by this Court. It is always open to him to establish his right and get his claim confirmed. Hence, this petition is dismissed as not maintainable.

sd/-
09/11/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE SUB REGISTRAR
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

ORDER
IN
CMP(MD) No.8816 of 2021 in
W.A.SR(MD)No.47963 of 2021
Date :09/11/2021

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MS/VR/SAR-1/12.11.2021/3P.2C