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W.P.Nos.14963 and 14964 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.14963 and 14964 of 2016

1.K.Amaravathi

2.V.Sasikala

3.K.Praveen Kumar

4.Arukani

... Petitioners in both the W.Ps.

Vs.

The Sub – Registrar,
The Sub – Registrar's Office,
Mohanur, Mohanur Town,
Namakkal Taluk and District.

... Respondent in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondent to consider the representation of the petitioners dated 17.11.2015 and incorporate the order dated 01.09.1989 passed in REP Nos.253 and 254 of 1988 respectively, in O.S.Nos.2079 and 2080 of 1979 respectively, on the file of the District Munsif Court, Namakkal, raising the attachment within a time to be fixed by this Hon'ble Court.

For Petitioners : Mr.C.Jagadish



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For Respondent : Mr.E.Vijay Anand
Additional Government Pleader

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COMMON ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondent to consider the representation of the petitioners dated 17.11.2015 and incorporate the order dated 01.09.1989 passed in REP Nos.253 and 254 of 1988 respectively, in O.S.Nos.2079 and 2080 of 1979 respectively, on the file of the District Munsif Court, Namakkal, raising the attachment within a time to be fixed by this Court.

2.Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

3.The learned counsel appearing for the petitioners submitted that the petitioners obtained loan from Indian Bank and the Indian Bank filed suit for recovery in O.S.Nos.2079 and 2080 of 1979 respectively, on the file of the District Munsif Court, Namakkal, and after payment of the entire loan amount, satisfaction memo was filed and REP Nos.253 and 254 of 1988 respectively, were dismissed on 01.09.1989. Thereafter, the petitioners presented the Court order for



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registration along with their representation dated 17.11.2015, however, the same was not considered.

4.The learned counsel appearing for the petitioners further submitted that this Court may grant liberty to the petitioners to make fresh application before the respondent for registration of the order dated 01.09.1989 passed in REP Nos.253 and 254 of 1988 respectively, in O.S.Nos.2079 and 2080 of 1979 respectively, on the file of the District Munsif Court, Namakkal and issue direction to the respondent to consider the same and pass appropriate orders in terms of Section 23 of the Registration Act.

5.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, grant liberty to the petitioners to make fresh application before the respondent for registration of the order dated 01.09.1989 passed in REP Nos.253 and 254 of 1988 respectively, in O.S.Nos.2079 and 2080 of 1979 respectively, on the file of the District Munsif Court, Namakkal, in terms of Section 23 of the Registration Act, within a period of two weeks from the date of receipt of a copy of this



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M.DHANDAPANI,J.

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order. If any such application is made by the petitioners, the respondent shall entertain the same and pass appropriate orders, after collection of necessary stamp duty and registration charges.

6.These writ petitions are accordingly disposed of. No costs.

07.11.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

The Sub – Registrar,
The Sub – Registrar's Office,
Mohanur, Mohanur Town,
Namakkal Taluk and District.

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07.11.2022