



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1000 of 2022

N.Balakrishnan .. Appellant/3rd Respondent
Vs.
1. P.Kandasamy .. 1st Respondent/Petitioner
2. The Inspector General of Registration
Santhome High Road
Santhome
Chennai 600 028.
3. The Sub Registrar
Madukarai Sub Registrar Office
Coimbatore District. .. Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 16.03.2022 made in W.P.No.4151 of 2022.

Prayer in W.P.No.4151 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying that this Hon'ble Court may be pleased to issue a writ of Certiorari or Mandamus or any other appropriate writ, order or direction in the nature of writ, Calling for the records of the 2nd respondent by proceedings in No.687/2021 dated 14/02/2022 and quash the same and consequently direct the 2nd respondent to forthwith register the Settlement Deed dated 11/08/2021 presented by the petitioner without insisting for the production of the Original Parent Document.

For the Appellant : Mr.AR.L.Sundaresan
Senior Counsel
for Mr.V.P.Raju

For the Respondents : Mr.P.Camyles Gandhi
For Mr.P.Saravana Sowmiyan
for Respondent-1

Mr.P.Muthukumar
State Government Pleader
Assisted by



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Mrs.R.Anitha
Special Government Pleader
for Respondents 2 & 3

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

The writ appeal has been filed challenging the order dated 16.03.2022.

2. By the impugned order, the writ petition was allowed, quashing the order passed by the second respondent. It was with a direction to the writ petitioner/non-appellant to submit the settlement deed along with a copy of that order before the third respondent for registering the same in accordance with law within four weeks thereafter. It was made clear that the registration of the said settlement deed is subject to the judgment/order in O.S.No.6 of 2022 pending on the file of the III Additional District Judge, Coimbatore.

3. While hearing the appeal on 09.06.2022, this Court adjourned the matter to enable the non-appellant to file his own undertaking and of his daughters to the effect that during the pendency of the suit before the Court at Coimbatore, the property in question would not be alienated.

4. Learned counsel for the appellant submitted that if such an undertaking is furnished, it would satisfy the grievance of the appellant against the interim order and accordingly, the appeal may be disposed of, after recording the undertaking of the nature required.

5. The non-appellant has furnished three undertakings to the effect that during the pendency of the civil suit, they will not alienate/create charge/any kind of encumbrance over the property. The undertakings have been given by the non-appellant and his two daughters, thus satisfying the issue raised by the appellant.

6. In view of the above, the writ appeal is disposed of, recording the undertaking of the non-appellant and his two daughters that they will not alienate/create charge/any kind of encumbrance over the property in question. There will be no order as to costs. Consequently, CMP No.6358 of 2022 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



kpl

To

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1. The Inspector General of Registration
Santhome High Road
Santhome
Chennai 600 028.

2. The Sub Registrar
Madukarai Sub Registrar Office
Coimbatore District.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.39759

+1cc to Mr.V.P.Raju, Advocate, S.R.No.40233

W.A.No.1000 of 2022

MG(CO)
SB(07/07/2022)