



CRP (PD).No.1767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.05.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

CRP (PD).No.1767 of 2022
and CMP.Nos.8888 and 8890 of 2022

U.Velmurugan

...Petitioner

Vs

1.N.Uthappan

2.U.Nagaraj

3.K.Seethalakshmi

...Respondents

Prayer:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the returns dated 08.04.2022 and 21.04.2022, insisting on the plaintiff to add the Sub-Registrar and the State as party defendants and comply with Sec.80 CPC notice and further direct the District Munsif Court, Poonamallee at Tiruvallur to number the plaint vide OS.SR.No.2413 of 2022 if the same is otherwise in order, expeditiously and in accordance with law by allowing the above Civil Revision Petition.

For Petitioner : Mr.D.S.Rajasekaran



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ORDER

Heard the learned counsel for the petitioner.

2. The petitioner has filed this Civil Revision Petition to set aside the returns dated 08.04.2022 and 21.04.2022 by the District Munsif Court, Poonamallee, insisting the petitioner to implead the Sub-Registrar and the State as party defendants in this suit and to comply with Sec.80 CPC. The returns were based on the decision of this Court in ***Saranya Vs. Sub-Registrar (S.A.(MD).No.306 of 2020 dated 27.08.2020***). As per the aforesaid decision, a Sub-Registrar or a Registrar constituted under the Registration Act, 1908, who are mere public offices under the Government.

3. A reading of the above judgment seems to indicate that the the suit was rejected on the ground that under Section 73 of the Registration Act in cases where the Sub-Registrar has refused the registration, an appeal before the Registrar can be filed within 30 days and under Section 77 of the Registration Act, in such cases where the Registrar has refused registration of the documents, the aggrieved party



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should institute a Civil Suit before the appropriate Forum within 30 days and implead the Sub-Registrar and the Government.

4. On perusal of the records it indicates that the petitioner herein has challenged the settlement deed dated 13.05.2020 executed by the first respondent (father of the petitioner) in favour of the second respondent (brother of the petitioner), who in turn appears to have sold a portion of the land, settled under the settlement deed dated 13.05.2020 to the third respondent on 30.11.2020. The decision of this Court in ***Saranya Vs. Sub-Registrar (S.A.(MD).No.306 of 2020*** prima facie does not apply to the facts of this case.

5. Considering the same, I direct the learned District Munsif Court, Poonamallee to number the suit filed by the petitioner in O.S.SR.No.2413 of 2022 and proceed accordingly. Needless to state that even if the suit is numbered, the private respondents are at liberty to raise all possible defence including the issue relating to mis-joinder or non-joinder of necessary parties.



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6. This Civil Revision Petition stands thus allowed as prayed

for with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order : Yes/No

pvs/dna

Note: The Registry is directed to return the original plaint, which was filed along with the typed set of papers, to the learned counsel for the petitioner for re-presentation before the Trial Court.



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To

WEB COM The District Munsif Court,
Poonamallee at Tiruvallur.



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C.SARAVANAN.J.

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