



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8628 of 2022

Dr.M.Muthusamy

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Karaikudi.

2.The Sub Registrar,
The Office of the Sub Registration,
Thiruvadanai,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent not to insist the petitioner to produce the original settlement deed, dated 15.07.1969, registered in the office of the 2nd respondent, under Doc No. 1792/1969, for the purpose of registering a Gift Settlement Deed by the petitioner in favour of his wife relating to any of the un-divided half share of the properties of the petitioner situated at Palakudi Village and Selukai Village, Karaikudi Registration District, Ramanathapuram District, which he owns by way of the said settlement deed, dated 15.07.1969 and thereby render justice.

For Petitioner : Mr.K.R.Laxman

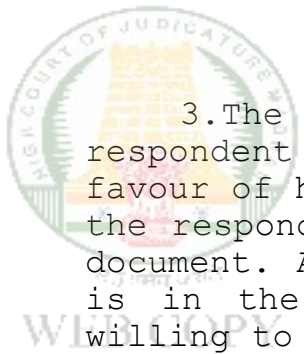
For Respondent : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent not to insist the petitioner to produce the original settlement deed, dated 15.07.1969, registered in the office of the 2nd respondent, under Doc No. 1792/1969, for the purpose of registering a Gift Settlement Deed by the petitioner in favour of his wife relating to any of the un-divided half share of the properties of the petitioner situated at Palakudi Village and Selukai Village, Karaikudi Registration District, Ramanathapuram District, which he owns by way of the said settlement deed, dated 15.07.1969.

2.Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



3.The petitioner's grievance is that when he approached the respondent for presentation of the aforementioned settlement deed in favour of his wife for the aforementioned property for registration, the respondents are insisting for production of the original parent document. According to the petitioner, the original settlement deed is in the custody of the petitioner's own brother, who is not willing to part with the same to the petitioner.

4.It is settled law that there is no necessity to produce the original parent document and it would suffice if certified copies of the parent documents are produced. The petitioner has given a representation, on 06.04.2022, requesting the respondent to register the settlement deed, presented by the petitioner for registration without insisting upon the original parent settlement deed, dated 15.07.1969, registered as document No.1792/1969.

5.No prejudice will be caused to the respondents, if this Court directs the second respondent to consider the petitioner's representation, dated 06.04.2022, seeking for registration of the settlement deed, in respect of the aforementioned property presented by the petitioner, without insisting upon the production of the original parent document, namely the settlement deed, dated 15.07.1969, registered as document No.1792/1969, in view of the fact that it is settled law that there is no necessity to produce the original parent document for any extent of any document to produce at the time of registration. The second respondent is directed to pass final orders on merits and in accordance of law, within a period of four weeks from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Registrar, District Registrar Office,
Karaikudi.

2.The Sub Registrar, The Office of the Sub Registration,
Thiruvadanai, Ramanathapuram District.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-22884[F] dated 29/04/2022)

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