



W.P(MD)No.11523 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11523 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

P.Kavitha

... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Karur District.

2.The Sub Registrar,
Velayuthampalayam Sub Registrar Office,
Velayuthampayalam,
Manmangalam Taluk,
Karur District.

3.M.Natarajan

4.N.Pappathi

5.The Sub-Registrar,
West Karur Sub-Registrar Office,
Karur Taluk,
Karur District.

... Respondents

(R5 is impleaded vide Court Order, dated 16.07.2015 in M.P(MD)No.3 of 2015)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the settlement deed dated 02.06.2015 vide document No.739/2015 registered by the second respondent as illegal, void and against the provisions of the Registration Act and Civil Court decree in O.S.No.204 to 2013 before the Additional District Munsif Court, Karur Dated 20.10.2014 in respect of the property mentioned second item in the settlement deed dated 02.06.2015.

For Petitioner : Mr.AN.Ramanathan
For R1,R2 & R5 : M/s.S.Jeyapriya
Government Advocate
For R4 : Mr.S.Suresh
For R3 : No Appearance

ORDER

The present writ petition has been filed seeking a declaration that a settlement deed, dated 02.06.2015 said to have been executed by the third respondent in favour of the fourth respondent is in violation of the Registration Act and Civil Court decree in O.S.No.204 of 2013 on the file of the Additional District Munsif Court, Karur in respect of the second item mentioned in the settlement deed, dated 02.06.2015.



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2. Admittedly, the third respondent is the owner of the property.

He has executed a registered settlement deed in favour of his son, Parthasarathy on 12.10.2012. Thereafter, he has unilaterally cancelled the same on 19.03.2013. The said unilateral cancellation was challenged by the son in O.S.No.204 of 2013 before Additional District Munsif Court, Karur. The said suit was settled in Lok Adalat on 05.09.2014, in which the third respondent has agreed for the settlement deed in favour of the son Parthasarathy and admitted the title of his son Parthasarathy.

3. Based upon the said compromise, the said Parthasarathy has executed a registered settlement deed in favour of the writ petitioner on 08.04.2015. Thereafter, the third respondent had chosen to execute another settlement deed in favour of the fourth respondent on 02.06.2015. According to the learned counsel for the petitioner, the title of the third respondent's son Parthasarathy has been confirmed by way of Lok Adalat award, dated 05.09.2014. Thereafter, the third respondent will not have any right or title to execute a settlement deed in favour of his wife, namely the fourth respondent.



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4. Now, the third respondent has passed away. Thereafter, the fourth respondent, who is the mother of Parthasarathy and mother-in-law of the petitioner herein has settled the matter amicably. The fourth respondent has filed an affidavit, dated 30.09.2022. Paragraph Nos.7,8 and prayer in the affidavit are extracted as follows:

“7. I submit that in the above circumstances, after the death of my husband, now, we have compromised between us and moreover the dispute was arose only between my deceased husband and our son and further there is no dispute between myself and my son and my daughter-in-law. Hence, I am filing this present affidavit as a beneficiary under the impugned settlement deed, dated 02.06.2015 in so far as the second item of the property is concerned, which is the subject property of the settlement deed, dated 08.04.2015 executed by my son in favour of his wife/writ petitioner, who is my daughter-in-law.

8. I submit that in so far as the second item of the impugned settlement deed, dated 02.06.2015 on the file of the Sub-Registrar, Velayuthampalayam is concerned, myself or my legal-heirs have not claiming any right, title,



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interest and whatsoever in any manner and also I further undertakes that I will not disturb the peaceful possession and enjoyment of the petitioner in the property mentioned in the second item of the impugned settlement deed, dated 02.06.2015.

Therefore, it is prayed that this Court may be pleased to accept this affidavit and record the same and allow this writ petition in so far as the second item of the schedule property in S.F.No.482 situated at Pavithram Village, Aravakurichi Taluk to an extent of 2.92 Acres mentioned in the impugned settlement deed, dated 02.06.2015 vide Doc.No.739 on the file of the Sub-Registrar Office, Velayuthampalayam, Karur District.”

5. Now that the parties have already compromised the matter and the title of the writ petitioner has been confirmed by the fourth respondent herein. The affidavit filed by the fourth respondent herein shall form part of the order. The second respondent is directed to inform the fifth respondent and the fifth respondent is directed to carry out consequential changes in the encumbrance certificate.



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6. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

13.10.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.11523 of 2015

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