



W.P(MD)No.28332 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28332 of 2022

and

W.M.P(MD)No.22382 of 2022

Abinaya

... Petitioner

Vs.

1.The Sub Register,
Sub-register Office,
Aundipatti,
Theni District.

2.Krishnaveni

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the first respondent from registering the petitioner's suit properties:- 1) Survey No.220/1A, to extent of 77 cents, 2) Survey No.220/313, to extent of about 2 acres 39 cents, 3) Survey No.221/1, to extent of 3 acres 4 cents, 4) Survey No.221/2, to extent of 1 acre 19 cents, 5) Survey No.221/3A, to extent of 21 cents, 6) Survey No.207/1, to extent of 1 acre 65 1/2 cents, 7) Survey No.207/2, to extent of 95 cents, 8) Survey No.213/3, to extent of 1 acres 40 cents, 9) Survey No.213/4, to extent of 74 cents, 10) Survey No.222/3, to of 3 acres 95 cents, at Vallalnadhi Village, Aandipatti Subdivision, Periyakulam Registrar District, Theni District.



W.P(MD)No.28332 of 2022

For Petitioner : Mr.K.Gokul
For R-1 : Mr.N.Satheeskumar
Additional Government Pleader
For R-2 : Mr.C.Jeganathan

ORDER

Heard the learned Counsel on either side.

2. Navaneethan and Prabaharan are brothers. Both had worked abroad. The case of the petitioner is that the remittances sent by them namely, Navaneethan and Prabaharan were used to purchase properties. The case of the petitioner is that since the second respondent happened to be elder daughter-in-law, out of sentiment, properties were purchased in her name. Prabaharan died due to cancer. Since the properties stood in the name of the second respondent and since she proposed to deal with them, Navaneethan filed O.S.No.230 of 2021 seeking declaration that he is a joint owner of the suit 'A' schedule properties. He also prayed for few other reliefs. Pending suit, Navaneethan died in an accident. The petitioner's attempt to obtain interim relief by stepping into the shoes of her husband were not successful because the Court, namely, Mahila District Judge, Theni was without any presiding officer. According to the petitioner that led to the filing of the writ petition.



W.P(MD)No.28332 of 2022

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3. The writ petition was listed for admission on 16.12.2022 and notice was ordered. I made it clear that any intervening development will abide by the outcome of the writ petition. Today when the matter was taken up for hearing, the learned Counsel for the respondent submitted that the second respondent had already presented certain documents of registration and they have been registered also. It is true, but this writ petition will not be rendered infructuous on this account. Since the petitioner's husband had already filed a civil suit and the petitioner now proposes to come on record in the place of her husband, the rights of the parties including that of the subsequent purchasers will abide by the out come of the civil suit. I am contrained to include the subsequent purchasers also because when the writ petition was admitted, I have specifically directed that the rights of the parties will abide by the outcome of the writ petition. Since the writ petition is being disposed of by calling upon the petitioner to work out her rights in the pending suit, I have to necessarily hold that the right of the subsequent purchasers also will abide by the outcome of the suit. The second respondent is directed to intimate the subsequent purchasers about the passing of this order. The learned trial Judge is directed to number the petitioner's I.A.s filed for coming on record and also for impleading the subsequent purchasers. Those I.A.s shall be disposed of as expeditiously as



W.P(MD)No.28332 of 2022

possible. This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

20.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

The Sub Register,
Sub-register Office,
Aundipatti,
Theni District.



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W.P(MD)No.28332 of 2022

G.R.SWAMINATHAN, J.

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