



Comp.A.No.145 of 2024
in CP.No.286 of 2010

K. KUMARESH BABU, J.,

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This application has been filed to direct the Registry of this Court to send a copy of the order dated 18.07.2011 passed in CP.Nos.280 to 287 of 2010 along with the sanctioned scheme to the jurisdictional Registrar namely Sub Registrar, Ernakulam at Sub Registrar's Office, 2nd Floor, Perumpilly Building Opp.Maharaja's College Ground, Ernakulam – 682 001 for entry in Book No.1 maintained by the Jurisdictional Registrar in respect of property situated in Ernakulam Kerala.

2. The learned counsel for the applicant would submit that pursuant to the scheme for demerger which had been sanctioned by this Court by an order dated 18.07.2011 made in CP.Nos.280 to 287 of 2010, resulting the applicant company being incorporated and was vested with certain properties and Schedule-5 to the schedule of demerger.

3. The applicant who approached the revenue authorities seeking for mutation of revenue records which was disposed of by the revenue authority calling upon the applicant to take necessary steps to produce the scheme of demerger and get the same registered as per rules prevailing in the State of Kerala.



4. The learned counsel for the applicant also produced the copy

Registration Act 1908 as amended by the State of Kerala. For better appreciation, the relevant provision is extracted hereunder :-

“89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed :-

(5) Every Court passing -

(a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of any person, or

(b) an order for the attachment of immovable property or for the release of any immovable from attachment,

shall send a copy of such decree or order together with a memorandum describing the property as far as may be practicable in the manner required by Section 21, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy and memorandum in his Book No.1.”



5. Therefore, the present application has been filed to send a copy of the order dated 18.07.2011 passed in CP.Nos.280 to 287 of 2010. Considering the submissions so made by the learned counsel for the applicant and also pursuant to the provisions of Section 89(5) of the Registration Act, 1908 amended by the State of Kerala and that view of the specific provisions which had been extracted supra, I am of the view that it is impediment on the Registry of this Court to send a copy of the order dated 18.07.2011 passed in CP.Nos.280 to 287 of 2010 to the Sub Registrar, Ernakulam at Sub Registrar's Office, 2nd Floor, Perumpilly Building Opp.Maharaja's College Ground, Ernakulam – 682 001 or otherwise the scheme of demerger order of this Court cannot be fully effectuated.

6. In the result, this application is ordered by directing the Registry to send a certified copy of this Court order dated 18.07.2011 passed in CP.Nos.280 to 287 of 2010 to the Sub Registrar, Ernakulam at Sub Registrar's Office, 2nd Floor, Perumpilly Building Opp.Maharaja's College Ground, Ernakulam – 682 001, within a period of four weeks from today.

06.09.2024.

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