



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19500 of 2024

Vennila

...

Petitioner

versus

1.The District Registrar,
Coimbatore, Coimbatore District.

2.The Sub-Registrar,
Periyanaickenpalayam,
Coimbatore District.

3.J.Saral Kamalam

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 25.01.2024 for removal of the entry made on 15.10.2015 in Document No.13198/2015 in encumbrance certificate pertaining to *ex parte* decree and judgment dated 08.07.2015 in O.S.No.2252 of 2014 on the file of the learned First Additional District Munsif, Coimbatore.

For Petitioner : Mr.E.Sathiyaraj

For Respondent Nos.1 & 2 : Mr.M.Shajahan
Special Government Pleader



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ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the second respondent to consider the petitioner's representation dated 25.01.2024 for removal of the entry made on 15.10.2015 in Document No.13198/2015 in encumbrance certificate pertaining to *ex parte* decree and judgment dated 08.07.2015 in O.S.No.2252 of 2014 on the file of the learned First Additional District Munsif, Coimbatore.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 & 2 and perused the materials available on record.

4. It is the grievance of the writ petitioner that the third respondent originally filed a suit in O.S.No.2252 of 2014 seeking relief of declaration and she has obtained an *ex parte* decree dated 08.07.2015. The said decree was registered before the authorities on 15.10.2015. Thereafter,



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the petitioner has filed an application to set aside the *ex parte* decree in I.A.No.1766 of 2016 in O.S.No.2252 of 2014 and the same was allowed by the Court on 05.04.2017. Thereafter, the suit itself was dismissed for default by decree and judgment dated 05.03.2022. Hence, according to the writ petitioner, the entry made in the *ex parte* decree has to be removed.

5. This Court is of the view that the entry has been made only on the basis of the decree already passed and the same has been set aside in I.A.No.1766 of 2016 in O.S.No.2252 of 2014 and the dismissal order dated 05.03.2022 shall be registered by the authorities that will take care of the entire proceedings. In fact, if the order setting aside the *ex parte* decree is registered, the entry with regard to the *exp arte* decree will not have any effect.

6. Hence, the petitioner is directed to present a copy of the order made in I.A.No.1766 of 2016 in O.S.No.2252 of 2014 before the authorities, along with the dismissal order dated 05.03.2022. On such presentation, the same shall be registered by the authorities within a period of one week from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No costs.

19.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The District Registrar,
Coimbatore, Coimbatore District.

2.The Sub-Registrar,
Periyanaickenpalayam,
Coimbatore District.



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N.SATHISH KUMAR, J.

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