



WP.No.37794 of 2024

In the High Court of Judicature at Madras

Dated : 19.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37794 of 2024

Mrs.Santhanam

...Petitioner

Vs

The Sub-Registrar, Office of
the Sub-Registrar,
Sankarapuram,
Kallakurichi District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with impugned refusal check slip dated 29.11.2024 in Refusal No.RFL/Sankarapuram/312/2024 issued by the the respondent, quash the same and consequently direct the respondent to register the decree in O.S.No.42 of 2009 dated 14.10.2014 passed by the Learned District Munsif, Sankarapuram.

For Petitioner : Mr.G.Balamanikandan
For Respondent : Ms.C.Meera Arumugam, AGP

ORDER

Challenging the check slip dated 29.11.2024 issued by the



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respondent refusing to register the decree presented by the petitioner in O.S.No.42 of 2009 on the file of the District Munsif Court, Sankarapuram and consequently, to direct the respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondent.

3. The case of the petitioner is as follows :

(i) The petitioner is the legally wedded wife of one Mr.Ramasamy. They lived in Mumbai for quite some time. They were not blessed with children. However, her husband had illicit intimacy with one Mrs.Chellammal, who is the wife of one Mr.Antony and due to their relationship, two children were born namely one Mr.Ramalingam and one Ms.Amutha. The said Mr.Ramasamy died on 15.10.2004. Prior to the death of her husband, he executed a Will, by which, certain properties in the village were settled in favour of the petitioner and the houses and the shops in Mumbai were settled in favour of the said Mr.Ramalingam and the said Ms.Amutha.

(ii) As the said Mr.Ramalingam and the said Ms.Amutha tried to grab the properties in the village, the petitioner was constrained to file a civil suit in O.S.No.42 of 2009 before the District Munsif Court,



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Sankarapuram with a schedule containing 14 items of properties against the said Mr.Ramalingam and the said Ms.Amutha seeking permanent injunction to restrain them from interfering with the petitioner's peaceful possession and enjoyment in the suit schedule properties. The said suit was decreed on 14.10.2014 with regard to items 1 to 13 alone. The said suit was dismissed with regard to the 14th item in the suit schedule.

(iii) As against the denial in respect of 14th item in the suit schedule properties, the petitioner filed an appeal in A.S.No.78 of 2016 before the Additional Sub-Court, Kallakurichi and it is still pending. When the petitioner presented the judgment and decree dated 14.10.2014 before the respondent on 29.11.2024 for registration, the impugned check slip came to be issued on the ground that the suit was decreed only in respect of 13 items and not in respect of the 14th item of the suit schedule properties. Hence the writ petition.

4. When the matter is taken up for admission on 19.12.2024, the learned counsel for the petitioner submitted that in the said appeal in A.S.No.78 of 2016, which was filed challenging the disallowed portion, the Lower Appellate Court allowed the same and a decree has already been passed in respect of the 14th item of the suit schedule properties.



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5. Be that as it may, it is not for the respondent to verify the correctness or otherwise of the decree. In case the decree does not cover the 14th item, the petitioner cannot claim any right over the same. However, now, it is brought to the notice of this Court that even with reference to item No.14 of the suit schedule properties, a decree has been granted by the Lower Appellate Court in favour of the petitioner and there is no impediment for registering the judgment and decree dated 14.10.2014 presented by the petitioner.

6. In the light of the above, the writ petition is allowed, the impugned refusal check slip is quashed and the respondent is directed to register the judgment and decree dated 14.10.2014 in O.S.No.42 of 2009 on the file of the District Munsif Court, Sankarapuram presented by the petitioner within two weeks from the date of their representation. No costs.

19.12.2024

To
The Sub-Registrar, Office of
the Sub-Registrar,
Sankarapuram,
Kallakurichi District.

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P.T.ASHA,J

RS

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