



REV APLW(MD).No.29 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLW(MD)No.29 of 2024

in

W.P(MD)No.30316 of 2023

and

W.M.P(MD)No.3602 of 2024

Pottampatti Aganda Paripurana Sachidhanantha Saba,
Represented by its President,
Sivaraj,
S/o.Theetha Gounder,
Pottampatti,
Kanakkanpatti Village,
Palani Taluk, Dindigul District.

... Review Petitioner /
2nd Respondent

v.

1.Deepa

2.The Sub Registrar,
Chathirapatti,
Dindigul District.

... Respondents

PRAYER: Review Application filed under Order XLVII Rule 1 and 2 read with Section 141 of Civil Procedure Code to review the order passed in W.P(MD)No.30316 of 2023 dated 19.12.2023.



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For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.D.Venkatesh for R.1

Mr.M.Lingadurai
Special Government Pleader for R.2

ORDER

Heard both sides.

2.The first respondent herein filed W.P(MD)No.30316 of 2023. She challenged the refusal check slip issued by the registering authority. The registering authority declined to register the document citing the objection raised by the petitioner herein. The writ petition was allowed on 19.12.2023 in the following terms:

“3.Without hearing the second respondent, I cannot set aside the impugned refusal check slip. At the same time, I must note that merely because a third party has raised objection, the registering authority could not have refused registration. Circular dated 04.10.2018 issued by the Inspector General of Registration is very clear. The objector must have obtained a restraint order from the competent Court. In this case, the second respondent has not obtained any such order.

4.I therefore permit the petitioner to resubmit the



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document in question. The first respondent will issue notice to the second respondent. The second respondent will be given reasonable time of six weeks indicating that if restraint order is not obtained, the document presented by the petitioner will be registered. Of course, this does not mean that whatever document is submitted by the petitioner should be registered. The first respondent will satisfy himself or herself that the petitioner is entitled to present the document for registration subject to fulfilment of other usual formalities. If the second respondent is unable to get a restraint order within time limit mentioned by the first respondent in his / her notice, the document will be registered and released subject to the usual formalities. ”

Seeking review of the order, the present review petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner was not heard before the writ petition was allowed.

4.But this objection may not have much of force because of fact that the order impugned therein was not set aside by me. That apart, notice was ordered to be given to the petitioner herein and the petitioner was also given reasonable breathing time. In fact, the petitioner has availed his opportunity by filing O.S.No.32 of 2024 on the file of Sub Court, Palani.



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I.A.No.1 of 2024 has also been filed. It is posted for enquiry and disposal on 14.03.2024. On 14.03.2024, both the sides are directed to get along with the matter without taking adjournment.

5.The learned trial Judge is directed to dispose of I.A.No.1 of 2024 in O.S.No.32 of 2024 filed by the petitioner herein on merits and in accordance with law on or before **28.03.2024**. I make it clear that I have not gone into the merits of the matter at all. It is for the trial Judge to take a call in the matter. The registering authority shall abide by the final order to be passed in the Interlocutory Application.

6.This Review Application is disposed of with the aforesaid direction to the jurisdictional Court. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.02.2024

Index :Yes/No
Internet:Yes/No
NCC :Yes/No
MGA

Note: Registry is directed to mark a copy of this order to the learned Sub Judge, Palani.



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To

The Sub Registrar,
Chathirapatti,
Dindigul District.

G.R.SWAMINATHAN, J.



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