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C.M.P.(MD) No.11343 of 2024
in
W.A.(MD) SR No.54127 of 2024
and
W.A.(MD) SR No.54127 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.P.(MD) No.11343 of 2024
in
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The Administrator,
R.1608, Ettarai Primary Agriculture Co-operative Credit Society,
Ettarai Post,
Tiruchirappalli District. ... Petitioner

-VS-

- 1.M.Rajeswari
- 2.The Deputy Registrar of Co-operative Societies,
Kajamalai,
Trichy District.
- 3.The Sub-Registrar,
Nangavaram Sub Registrar Office,
Kulithalai Taluk,
Karur District. ... Respondents



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PRAYER in C.M.P.(MD) No.11343 of 2024:- Civil Miscellaneous Petition filed under Section 151 of the Code of Civil Procedure to grant leave to the petitioners to file writ appeal challenging the order passed by this Court in W.P.(MD)No. 7234 of 2024, dated 25.03.2024.

PRAYER in W.A.(MD) SR No.54127 of 2024: Writ Appeals filed under Clause 15 of Letters Patent to set aside the order, dated 25.03.2024, passed in W.P. (MD)No.7234 of 2024, on the file of this Court.

For Petitioner : Mr.C.Jeganathan

For R1 : No Appearance

For R2 and R3 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The order of the learned Single Judge reads as follows:-

"2.The petitioner states that the petition mentioned property was attached in a surcharge proceeding. It is categorically stated by the



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C.M.P.(MD) No.11343 of 2024
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W.A.(MD) SR No.54127 of 2024
and
W.A.(MD) SR No.54127 of 2024

learned counsel for the petitioner that the surcharge order has been set aside by this Court. If that be so, the order setting aside the surcharge proceeding can be registered and that would meet the petitioner's requirements. The petitioner is permitted to move the second respondent for registering the concerned Court order. If such application is received from the petitioner, the Court order shall be registered subject to fulfilment of the usual formalities. The question of invoking Section 23 of the Registration Act will not arise at all."

2. It is the contention of the learned counsel for the petitioner that the attachment order has not been lifted. If that be so, the same will not be registered. Therefore, the petitioner cannot be considered to be an aggrieved party. Hence, this Miscellaneous Petition is dismissed. Consequently, W.A.(MD)SR.No.54127 of 2024 is rejected.

[R.S.M., J.] [L.V.G., J.]
28.08.2024

NCC : Yes / No
Index : Yes / No
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To:-

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Trichy District.
- 2.The Sub-Registrar,
Nangavaram Sub Registrar Office,
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L.VICTORIA GOWRI, J.

smn2

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