



WP(MD). No.18795 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 11/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). Nos.18795, 18554 and 18920 of 2024

Naresh H.Patel

... Petitioner in
WP(MD) No.18795/2024

Shankar H.Patel

... Petitioner in
WP(MD) No.18554/2024

Kishore Kumar K.Patel

... Petitioner in
WP(MD) No.18920/2024

Vs

1.The Sub Registrar,
Sub Registrar Office,
Thiruvarumbur,
Trichy District.

2.Natarajan

3.N.Hemalatha

4.Tharini

... Respondents in all
WPs.

(2nd respondent has been impleaded vide order
dated 11.09.2024 in WMP(MD) Nos.17702,
17713 and 17718/2024)



WP(MD). No.18795 of 2024

PRAYER :- Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip in RFL/Thiruverumbur/223, 221 & 224/2024 dated 31.07.2024 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the judgment and decree made in O.S.No. 311, 303 and 312 of 2021 on the file of the IInd Additional Sub Court, Trichy dated 26.04.2024 presented by the petitioner within a time stipulated by this Court.

For Petitioners : M/s. P.R.Prithiviraj,
For Respondents : Mr.P.Subbaraj for R1
Special Government Pleader
Mr.AR.L.Sundaresan for R2 to R4
Senior counsel for
Mr.C.Mahadevan

COMMON ORDER

These writ petitions have been filed challenging the impugned order of refusal in rejecting the registration of the exparte decree obtained by the petitioners.

2. The case of the petitioners is that they purchased the subject property on 09.04.2015 from one Mallika H.Patel. After purchase, as the vendor caused interference, the petitioners filed a suit in OS Nos.303,



WP(MD). No.18795 of 2024

311 and 312 of 2021 for declaration and injunction against the vendor and another. In the said suits, though one of the defendants filed written statement, they have not contested the same and the suits were decreed *ex-parte*. When the *ex-parte* decree was presented for registration, the same has been refused to be registered on the basis of the objections raised by the impleaded respondents.

3. It is the contention of the impleaded respondents that the documents based on which the petitioners have purchased the property themselves are forged one. The property originally belong to the respondents 2 to 4 and sale deed has also been created as if the respondents 2 to 4 have executed the documents by impersonating them. The said documents have already been cancelled by the authorities in the year 2020 itself. That order has not been challenged and the same has become final. Based on that documents, by way of impersonation, further documents have been created and collusive suits have been filed and decree has been obtained. Accordingly, the learned senior counsel for the respondents 2 to 4 prays for dismissal.



WP(MD). No.18795 of 2024

WEB COPY

4. I have considered the rival submissions and perused the materials available on record.

5. Normally in a case of the *ex-parte* decree, this Court would direct the authorities to register the documents on the ground that the authorities cannot go into the title issues. However, considering the arguments advanced and a perusal of the documents placed in the typed set of papers would go to show that the authorities have recorded the finding that original owners have been impersonated and by forging their signatures, the documents were registered by affixing a photograph. It clearly shows that it is a case of forgery and impersonation. Based on that document, subsequent document has also been created, which has also been marked as Ex.A10 in the suit filed by the petitioners. It was the basis for granting *ex-parte* decree and in the said suits, one of the defendant has not defended the case. All these facts in fact probabalise the contention raised by the respondents 2 to 4. Now it is stated by the respondents 2 to 4 that civil suits are pending between the parties in OS. No.588/2021.



WP(MD). No.18795 of 2024

WEB COPY

6. In such view of the matter, the rights of the parties shall be decided in the pending suit on its own merits. At this stage, this Court is not inclined to interfere with the order passed by the authorities. The above opinion is recorded on prima facie satisfaction of the documents filed in the typed set of papers. The trial Court shall decide the issue on its own merits without being influenced by this order.

7. The writ petitions are disposed of with the above observations.

No costs.

11.09.2024

RR

TO

1. The Sub Registrar,
Sub Registrar Office,
Thiruvarumbur,
Trichy District..



WEB COPY



WP(MD). No.18795 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.18795, 18554 and 18920 of 2024**

Date : 11/09/2024