



W.P.(MD)No.3555 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.3555 of 2018

Kanikkairaj

... Petitioner

Vs

The Sub Registrar,
Sub-Registrar Office, Kulathur,
Kulathur Taluk, Pudukottai District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the Respondent in his memo dated 11.12.2017 and quash the same with a consequential direction to register Will, dated 04.09.2017 presented by the Petitioner on 11.09.2017 besides awarding token damages of Rs.1,000/- payable by Respondent.

For Petitioner	: Mr. N.Balakrishnan
For Respondent	: Mr.P.Subburaj Special Government Pleader



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ORDER

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This Writ Petition has been filed challenging the impugned memo, dated 11.12.2017 and consequential direction to register Will, dated 04.09.2017 presented by the Petitioner on 11.09.2017 besides awarding token damages of Rs. 1,000/- payable by Respondent.

2.Heard Mr.N.Balakrishnan, the learned counsel appearing for the petitioner and Mr.P.Subburaj, learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

3.It is the contention of the learned counsel for the petitioner that the petitioner has executed a Will in favour of his paternal uncle one Justin and when presented the same for registration, the same was returned on the ground of pendency of suit in O.S.No.59 of 2014 on the file of District Court, Pudukottai. Hence, this petition has been filed.



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4.This Court in *Subramani v. Sub Registrar and another [(2024) 3*

MLJ 588], has elaborately held that filing/pendency of a civil suit is not a bar for registration of document. Any transaction during the pendency of civil suit is always subject to the right to be determined by the Civil Court.

5.In view of the above, this writ petition stands allowed and the impugned memo, dated 11.12.2017 is hereby quashed and the respondents are directed to register the sale deed within a period of one week from the date of receipt of copy of this order. There shall be no order as to costs.

08.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To
The Sub Registrar,
Sub-Registrar Office, Kulathur,
Kulathur Taluk, Pudukottai District.



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N.SATHISH KUMAR, J.

PNM

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