



W.A.(MD) No.2180 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

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

**W.A.(MD)No.2180 of 2024
and
C.M.P.(MD)Nos.15263 and 15264 of 2024**

Amarnath

... Appellant

-VS-

1.Pandi

2.The Sub Registrar,
Office of the Sub Registrar,
Kadambur,
Thoothukudi District.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal by setting aside the order, dated 30.09.2024 made in W.P.(MD).No.23132 of 2024.

For Appellant : Mr.S.Ramasamy

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader for R2.



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JUDGMENT

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

Challenge in the writ petition was the refusal check slip issued by the second respondent refusing registration of a document on the ground that suit in O.S.No.51 of 2023 is pending with reference to the property. Earlier registration was refused on the ground that parent document was not produced. The same was challenged before this Court in W.P.(MD)No.10678 of 2024 and this Court set aside the order and directed registration of the instrument. After re-presentation, the order impugned in the writ petition came to be passed. The Writ Court relying upon the judgment of the Hon'ble Division Bench in ***Ramayee Vs. Sub Registrar*** reported in ***[(2020) 8 MLJ 305]*** concluded that mere pendency of a suit cannot be a ground for refusing registration and directed registration of the document dated 12.08.2024. The only grievance of the appellant is that though he was made as a party, he was not heard. We do not find any necessity for the Writ Court to hear the appellant. It is settled law that pendency of a suit before a Civil Court cannot be a ground to refuse registration unless there are certain prohibitive orders. The action of the Registrar in refusing to register the



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document on the ground of suit is pending it totally unconscionable. The learned Additional Government Pleader for the registration department would submit that the document has since been registered. The registration of the document will not affect the case of the appellant before the Civil Court.

2.We therefore see no merit in the writ appeal and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

NCC : No
Index : No
ias

[R.S.M., J.] [L.V.G., J.]
29.10.2024

To:

The Sub Registrar,
Office of the Sub Registrar,
Kadambur,
Thoothukudi District.



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