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C.M.P.(MD)No.15132 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

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

C.M.P.(MD)No.15132 of 2024

in

W.A.(MD)SR.No.76040 of 2024

R.Dhanalakshmi

... Petitioner / Appellant

-VS-

1.Ramaiya

2.The Sub Registrar,
Office of the Sub Registrar,
Thuraiyur,
Trichy District.
Respondents

... Respondents /

PRAYER in C.M.P.(MD)No.15132 of 2024: Petition filed under Under Section 151 of Civil Procedure Code, 1908, to grant leave to the petitioner for filing the writ appeal against the order passed in W.P.(MD)No.11792 of 2024 dated 24.09.2024.

PRAYER in W.A.(MD)No.SR76040 of 2024 : Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 24.09.2024 passed in W.P.(MD)No.11792 of 2024.

For Petitioner : Mr.R.Shankar Ganesh

For R-1 : Mr.S.Varanesh

For R-2 : Mr.P.T.Thiraviyam,
Government Advocate



ORDER

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

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The order sought to be appealed against is one passed directing registration of a document executed by the 1st respondent. The petitioner claims that the 1st respondent is her brother and there are serious partition disputes between her and the 1st respondent. It is also stated that the suit laid by the 1st respondent, seeking a declaration that he is the absolute owner of the property and for a permanent injunction is pending. All that has been done by the Writ Court is to direct the registration of an instrument. Admittedly, the petitioner is not a party to the instrument. Therefore, the recitals in the instrument will not bind her. It is open to the petitioner to establish her claim in the civil suit that is pending. Registration of the document will be subject to the result of the suit.

2. Hence, the petition is dismissed. The Writ Appeal in W.A. (MD)No.SR76040 of 2024 stands rejected in the SR stage itself. There shall be no order as to costs.

[R.S.M., J.]

[L.V.G., J.]

24.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Sml

To

The Sub Registrar,
Office of the Sub Registrar,
Thuraiyur,



Trichy District.

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C.M.P.(MD)No.15132 of 2015





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C.M.P.(MD)No.15132 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

C.M.P.(MD)No.15132 of 2024
in
W.A.(MD)SR.No.76040 of 2024

24.10.2024