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W.A. Nos.2986 to 2988 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

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THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. Nos.2986 to 2988 of 2025
and
C.M.P.Nos.24098, 24103 and 24105 of 2025

Jai Jebamani

... Appellant in
all WPs

Vs.

1.D.Rajamani
2.C.Hemasundari Bakyavathi
3.C.Elangovan
4.C.Manimehalai
5.J.Samuel Ponnaiah

6.The Sub Registrar,
Sendamangalam SRO,
Sendamangalam,
Namakkal District.

... Respondents in
all WPs

Writ Appeals filed under Clause 15 of Letters Patent against the
common order dated 02.08.2024 made in W.P.Nos.22169, 22162 and
22167 of 2024.



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For Appellant : Mr.K.Balaji
in all W.As

For Respondents : Mr.N.Manokaran
for R1 to R5 in all W.As
Mr.U.Baranidharan,
Special Government Pleader
for R6 in all W.As

COMMON JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Under assail is the common order dated 02.08.2024 passed in W.P.Nos.22169, 22162 and 22167 of 2024.

2. The writ appellant Mr.Jai Jebamani is a third party in the writ petition and preferred present intra-court appeals by securing leave from this Court. The claim of the appellant is that the subject property sought to be registered by respondents 1 to 5 belongs to a Christian machinery registered under the Societies Registration Act, 1860. Therefore, the writ order setting aside the refusal check slips would infringe the right of the society. The appellant states that the subject property purchased on 02.04.1909, originally belonged to Strict Baptist Mission, London. The said foreign Mission is a company registered under the Companies Act and having registered office at London. Since the background of the society and their property right have not been brought to the notice of the



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registering authority and the writ Court, the present appeals are to be considered.

3. Since the issue raised in the present intra-court appeals is to examine the correctness or otherwise of the refusal check slips issued by the registering authority under the Registration Act, further facts raised between the parties based on documents and evidences are unnecessary and it is for the parties to raise all those facts before the appropriate forum or Civil Court of law.

4. The respondents 1 to 5 presented sale deeds for registration. The Sub Registrar issued refusal check slips by stating that the documents presented and the properties in the schedule relate to a society namely Salem District Tamil (Strict) Baptist Trust Society, a society registered under the Societies Registration Act. Refusal check slips came to be challenged in writ petitions. The writ Court allowed the writ petitions. The appellant who is a third party preferred the present appeals.

5. The learned counsel for the appellant would mainly contend that the society is the owner of the subject property. Therefore, the sale deeds presented for registration were rightly refused by the registering



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authority. Since the appellant was not a party in the writ proceedings, he had no opportunity to place all the facts before the writ Court. That apart, a civil suit instituted in O.S.No.127 of 2021 on the file of the District Munsif, Sendamangalam, Namakkal District is still pending. The appellant Mr.Jai Jebamani is the plaintiff in the suit and the husband of the first respondent and fifth respondent are parties in the suit. During the pendency of the suit, sale deeds were presented for registration. Thus, the refusal check slips issued are in consonance with the provisions of the Registration Act and based on facts.

6. The learned counsel appearing on behalf of respondents 1 to 5 would oppose by stating that the said society had executed a valid sale agreement dated 15.12.1984. To enforce the sale agreement, a civil suit had been instituted in O.S. No.565 of 2000 on the file of the Principal District Munsif, Namakkal, which was decreed. Thus, the Court executed the sale deeds on 11.03.2002 in E.P.No.140 of 2001. The executing Court has passed an order on 11.03.2002 to execute the sale deeds. The Writ Court has considered the said fact and allowed the writ petitions. Thus, the sale deeds presented are in accordance with law and the writ Court set aside the refusal check slips and directed the registering authority to register the sale deeds. Pursuant to the directions of the writ Court, the documents have been registered.



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7. Learned Special Government Pleader would submit that the decree passed in O.S.No.565 of 2000 was taken into consideration by the writ Court. The executing Court passed an order and consequently the sale deeds were executed. Based on the said fact, the writ Court considered the issues and directed the registering authority to register the sale deeds and the registration had been completed by following the procedures.

8. It is not in dispute between the parties that the sale deeds presented for registration had already been registered pursuant to the impugned writ order dated 02.08.2024. Further, it is not in dispute that the civil suit instituted by the appellant in O.S.No.127 of 2021 is also pending. Relief sought for in the suit is to declare the *ex parte* decree passed in O.S.No.565 of 2000 is null and void and also to declare the subsequent alienations and the sale deeds executed by the executing Court are null and void. The said sale deeds, pursuant to the writ order, are also subsequently registered and therefore, there is no impediment for the appellant to amend the relief in the plaint, if required, for securing appropriate relief on merits and in accordance with law.

9. Since the documents presented for registration had already been registered and a civil suit has been instituted between the parties and is



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pending, no further adjudication on merits needs to be undertaken in respect of the grounds raised in the present writ appeals. The parties are at liberty to raise all the factual and legal grounds in the pending suit in O.S.No.127 of 2021, or institute a fresh suit seeking appropriate relief.

10. With the above observations, these writ appeals stand disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
08.10.2025

Index:Yes
Neutral Citation:Yes/No
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To

The Sub Registrar,
Sendamangalam SRO,
Sendamangalam,
Namakkal District.



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**S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.**

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