



W.P(MD)No.937 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.937 of 2025

and

W.M.P(MD)No.593 of 2025

K.Lakshmi

...Petitioner

Vs.

1. The Joint Sub Registrar No.I,
Sub Registrar Office,
Karaikudi,
Sivagangai District.

2. Chellammai

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal slip Number RFL/ Karaikudi Joint I/ 21/ 2024 dated 30.12.2024 on the file of the 1st Respondent and to quash the same as illegal and consequently, to direct 1st respondent to register and release the supplemental memorandum of deposit of title deed dated 30.12.2024 executed by the petitioner to the Indian Overseas Bank Kanadukathan Branch, Sivagangai District.

For Petitioner : Mr.R.Jegadeeswaran

For R1 : Mr.D. Sasikumar
Additional Government Pleader

For R2 : Mr.T.Lenin Kumar



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned refusal slip Number RFL/ Karaikudi Joint I/ 21/ 2024 dated 30.12.2024 on the file of the 1st Respondent and consequently, to direct 1st respondent to register and release the supplemental memorandum of deposit of title deed dated 30.12.2024 executed by the petitioner to the Indian Overseas Bank Kanadukathan Branch, Sivagangai District.

2.The petitioner has obtained a loan from Indian Overseas Bank Kanadukathan Branch, Sivagangai District. Based on the said loan, the petitioner has already mortgaged in the year 2022 and also executed a memorandum of deposit of title deeds. Subsequently, the loan amount was increased and supplementary mortgage deed was sought to be registered. The same was refused by the 1st respondent by citing O.S.No.132 of 2022 on the file of the District Munsif Court, Karaikudi.

3.The learned Counsel appearing for the petitioner submitted that the 1st respondent cannot refuse registration by citing the suit.

4.Per contra, the learned Counsel appearing for the second respondent submitted that the suit was filed by one of the co-sharers in the



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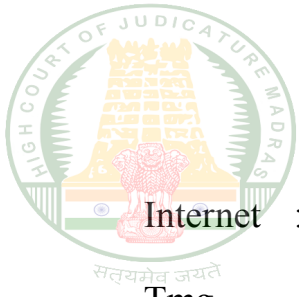
mortgaged property. The co-sharer has sold the property to the second respondent's vendor's vendor. The petitioner has purchased the property during the pendency of the civil suit. The second respondent's sale is also during the pendency of O.S.No.132 of 2022. When the petitioner has purchased the property pending suit, it will affect the petitioner's right under the principles of lis pendens. Therefore, the petitioner cannot seek to quash the impugned refusal check slip and consequently, to register the mortgage. Therefore, the title of the petitioner would be as per the decree. It is stated that the suit was presented on 21.12.2016. Therefore, it is affected under the principles of lis pendens.

5.The learned Counsel appearing for the petitioner submitted that in the suit, the petitioner's name was not included, therefore, the same is not binding on the petitioner. The said contention cannot be accepted because the transaction is affected by the principles of lis pendens.

6.With the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

NCC : Yes / No
Index : Yes / No



Internet : Yes

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To

The Joint Sub Registrar No.I,
Sub Registrar Office,
Karaikudi,
Sivagangai District.

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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.937 of 2025**

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