



WMP(MD) NO. 15638 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-10-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

WMP(MD) NO. 15638 of 2025

in

WP(MD)NO.9964 of 2024

A.Rajamanickam
S/o. Arunachala Nadar, Nadu Theru,
Thirumalapuram, Bodinayakanur, Theni
District.

Petitioner)

Vs

1. M.Venkatesan
S/o. Nagarajan,
21/10, Pojaraja Street,
Kulalarpalayam,
Bodinayakkanur,
Theni District.

2. The Sub Registrar
Bodinayakkanur Sub Registrar Office,
Theni District.

Respondents

For Petitioner(s):

H. Velavadhas
M.Venkatesh Krishna

For Respondent(s):

Mr.D.Gandhiraj,
Spl. Government Pleader for R2.
Mr.M.Jerin Mathew for R1



Prayer: To recall the order passed in W.P.(MD) No. 9964 of 2024 dated 11.07.2024 on the file of this Court and set aside the document number is 4018 of 2024 dated 02.08.2024, 4044 of 2024 dated 03.08.2024, 4059 of 2024 dated 05.08.2024, 4239 of 2024 dated 16.08.2024 and 4290 of 2024 dated 19.08.2024 before the 2nd respondent and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

ORDER

Heard both sides.

2.The first respondent herein filed W.P.(MD)No.9964 of 2024 for registering a deed of partition. The legal heirs of one Suruliyandi Chettiar were parties to the said partition deed. The encumbrance register indicated that on 04.12.1970, one Aruchanala Nadar executed a mortgage deed in favour of Suruliyandi Chettiar and that Suruliyandi Chettiar was only a mortgagee. I was impressed by the fact that patta stood in the name of Suruliyandi Chettiar. It was in this view of the matter, I allowed the writ petition. I was also carried away by the fact that more than 54 years had lapsed since the mortgage deed was executed.

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3.It is now brought to me notice by the petitioner in the recall petition that Arunachala Nadar had filed O.S.No.204 of 1972 on the file of the Sub Court, Periyakulam. It is now claimed by the petitioner in the recall petition that this mortgage was redeemed and that this development was suppressed. However, copy of the redemption decree has not been enclosed in the typed set of papers. The learned counsel for the petitioner seeks time to get further instructions.

4.This miscellaneous petition is dismissed granting liberty to the recall petitioner to file a fresh petition in this regard by enclosing all the relevant materials.

22-10-2025

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To

1. M.Venkatesan
S/o. Nagarajan,
21/10, Pojaraja Street,
Kulalarpalayam,
Bodinayakkanur,
Theni District.

2. The Sub Registrar
Bodinayakkanur Sub Registrar Office,
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