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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.08.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No. 28292 of 2024

Raja Celcia Mary

... Petitioner

Vs.

1 The Sub Registrar,
Moolakaraipatti Sub Registration Office,
Main Road, Near Government Hospital,
Moolaikaraipatti Post,
Tirunelveli - 627 354.

2. Francis Sanjiv Malini

... Respondents

[2nd is impleaded vide order of this Court dated 05.08.2025]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondent to register the sale deed document in Nos.REG201904043298083 and REG201904043298265, dated 04.04.2019 in favour of the petitioner based on the petitioner's representation dated 09.09.2024.



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For Petitioner : Mr.G.Radhakrishnan
For Respondents : Mr.G. Suriya Ananth,
Additional Government Pleader, for R-1
Mr.C.K.M.Appaji, for R-2

ORDER

This writ petition is filed for issuance of a ***Writ of Mandamus***, direct the respondent to register the sale deed dated 04.04.2019 in favour of the petitioner based on the petitioner's representation dated 09.09.2024.

2. Since the 2nd respondent is a necessary party in this writ petition, she was impleaded as the 2nd respondent vide order of this Court dated 05.08.2025.

3. The brief facts of the case are as follows: The petitioner's vendor and the newly impleaded 2nd respondent have equal rights over the property. Admittedly, there was a suit in O.S No. 36 of 2004 on the file of the District



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Munsif Court, Nanguneri. During the pendency of the suit, the newly included 2nd respondent purchased a portion of the property on 19.05.2008. The 2nd respondent was under the impression that, being part of the partition suit, she would receive $3/5^{\text{th}}$ share. However, there was a compromise between the co-sharers wherein they agreed to allocate $2/5^{\text{th}}$ share. A compromise memo was filed, and a decree was granted reflecting $2/5^{\text{th}}$ share to the parties. Now, the 2nd respondent has contended that she purchased $3/5^{\text{th}}$ share and is therefore entitled to the same. The petitioner, however, states that she is entitled to only $2/5^{\text{th}}$ based on the compromise decree.

4. In such circumstances, the 2nd respondent is not entertaining the present sale deed. If the 2nd respondent is aggrieved, she should approach the appropriate civil forum to address her grievance. She cannot submit an objection in the present proceeding, as such objection would amount to a third-party objection. Therefore, the 1st respondent is not entitled to entertain third-party objection.



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5. Accordingly, the 1st respondent is directed to register the sale deed within a period of four weeks from the date of receipt of a copy of this order, if it is otherwise in order. The newly impleaded respondent is at liberty to approach the appropriate civil forum. The petitioner is directed to submit the judgment decree while submitting the document for registration.

6 With these observations, this writ petition is disposed off. No Costs.

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

KSA

05.08.2025
[2/2]



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To

The Sub Registrar,
Moolakaraipatti Sub Registration Office,
Main Road, Near Government Hospital,
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S.SRIMATHY, J

KSA

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