HC-KAR

NC: 2026:KHC:21064
WP No. 10429 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 10429 OF 2026 (GM-ST/RN)

BETWEEN:

KUMARI. R. MAHIMA
D/O S.R. RAMASWAMY,
AGE ABOUT 30 YEARS,
R/AT NO.1065, NEW KANTHARAJE
URS ROAD, IV STAGE, KUVEMPU NAGAR,
MYSURU - 560 023.

...PETITIONER

(BY SRI. VEERABHADRA SWAMY H.P, ADVOCATE)

AND:

SUB-REGISTER,
SUB-REGISTER OFFICE,
MYSURU SOUTH,
MYSURU - 570 008.

...RESPONDENT

(BY SMT. NAVYA SHEKAR, AGA)

Digitally signed by NAGARAJA B M
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I. ISSUE A WRIT OF CERTIORARI SO AS TO QUASH THE ENDORSEMENT ISSUED BY RESPONDENT SUB REGISTRAR, MYSURU SOUTH, DATED 29.01.2026, IN BEARING NO.U.NOKA.MY.DHA/315/2025-26.(ANNEXURE-A) AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner in the captioned petition is seeking the following reliefs:

> *"i. Issue a writ of Certiorari so as to quash the Endorsement issued by Respondent Sub Registrar, Mysuru South, dated 29.01.2026, in bearing No.U.NOKA.My.Dha/315/2025-26.(Annexure-A).*
>
> *ii. Issue a writ of Mandamus directing the Respondent Sub Registrar to as per the Court Decree and update the petitioner name in relevant registers and the reflect the same in the Encumbrance Certificate.*
>
> *iii. Issue such other writ or direction as this Hon'ble Court may deems fit to grant under the circumstances of the case, in the interest of justice and equity."*

2. Heard learned counsel for the petitioner and the learned Additional Government Advocate appearing for the respondents. Perused the material on record.

3. The grievance of the petitioner emanates from a civil adjudication which has attained finality. The records reveal that the petitioner was constrained to institute a comprehensive suit

in O.S.No.149/2015 seeking, *inter alia*, declaration of absolute ownership and a consequential declaration that the gift deed dated 13.03.2013 is not binding on her rights. The competent Civil Court, upon full-fledged trial, has decreed the suit by judgment and decree dated 03.12.2022, unequivocally declaring the petitioner as the absolute owner and holding the impugned gift deed as non-binding.

4. Armed with the said decree, the petitioner approached the jurisdictional Sub-Registrar seeking to give effect to the adjudication by incorporating appropriate entries in the encumbrance register. However, the second respondent has issued the impugned endorsement dated 29.01.2026 (Annexure-A), declining to act upon the decree on the untenable ground that there is no formal communication from the Civil Court.

5. This Court is unable to countenance the reasoning assigned in the impugned endorsement. The issue is no longer *res integra*. This Court in W.P.No.6910/2026 has categorically held that the Sub-Registrar, while discharging statutory duties, cannot insist upon any independent communication from the

Civil Court once a certified copy of a decree is produced. The decree of a competent Civil Court carries with it a presumption of correctness and enforceability, and the registering authority is bound to act upon such decree in accordance with law.

6. The insistence on a separate communication from the Civil Court is not only dehors the statutory scheme but also amounts to frustrating a binding adjudication rendered by a competent forum. Such an approach, if permitted, would render decrees nugatory and subject their enforcement to administrative whims, which is impermissible in law.

7. In the present case, once the petitioner has produced a certified copy of the judgment and decree declaring her title and negating the binding nature of the gift deed dated 13.03.2013, the respondent/Sub-Registrar is under a statutory obligation to take cognizance of the same and effect consequential entries in the encumbrance register. The impugned endorsement, therefore, suffers from patent arbitrariness, illegality, and is contrary to the law laid down by this Court in W.P.No.6910/2026.

8. This Court is therefore of the considered opinion that a writ of mandamus is warranted to compel the respondent to discharge his statutory duty in terms of the binding decree and in consonance with the principles enunciated in the aforesaid judgment.

ORDER

i. The writ petition is hereby **allowed**;

ii. The impugned endorsement dated 29.01.2026 bearing Annexure-A issued by the second respondent is hereby quashed and set aside;

iii. The second respondent is directed to forthwith take cognizance of the judgment and decree dated 03.12.2022 passed in O.S.No.149/2015 and to record necessary entries in the encumbrance register and connected records, strictly in accordance with law;

iv. While undertaking the aforesaid exercise, the respondent shall adhere to the guidelines and principles laid down by this Court in W.P.No.6910/2026, more particularly that production

of a certified copy of the decree is sufficient compliance and no separate communication from the Civil Court shall be insisted upon;

v. The aforesaid exercise shall be completed within a period of four (4) weeks from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

HDK
List No.: 1 Sl No.: 18