



WEB COPY

WMP No. 27632 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WMP No. 27632 of 2025

IN

WP NO. 38796 OF 2024

1. K.Sarala
W/o.Kalyanasundaram
No.16, Arun Nagar, Mananrgudi, Thiruvarur
District-614 001.
2. Latha
W/o.Sudhakar,
No.5, Balaji Nagar, Ilakanampettai Village,
Mannargudi Taluk
Thiruvarur District - 614 001

..Petitioner(s)

Vs

1. A.Sarangabani
S/o.Iyamperumal
Door No.1/4 West Street,
Kandithampettai Village, Mannarkudi Taluk,
Thiruvarur District- 614 001.
2. The Inspector General of Registration
Department of Registration
No.100, Santhome High Road
Foreshore Estate, Chennai-600 028.
3. The District Registrar
District Registrar Office
No.32/1, Thiyagarajapuram Theru,
Vijayapuram, Thiruvarur- 610 001.



4. The Sub Registrar, Mannarkudi
No.234, Gandhi Road, Mannarkudi Taluk
Thiruvarur District- 614 001.

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..Respondent(s)

WMP No. 27632 of 2025

PRAYER : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India praying to grant leave to the petitioners to file petition to recall the judgment dated 02.01.2025 passed in W.P. No.38796 of 2024

For Petitioner(s): Mr.M.Santhanaraman

For Respondent(s): Mr.D.Shivakumaran
for Mr.S.Mayilnathan for R1

ORDER

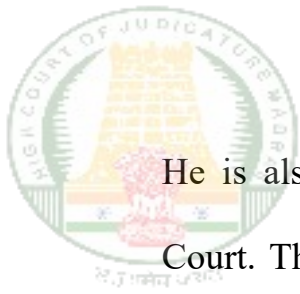
The writ miscellaneous petition has been filed seeking to recall the judgment and order dated 02.01.2025 in W.P.No.38796 of 2024.

2. The petitioners are aggrieved by the fact that orders have been passed in the above writ petition, without making the petitioners as party to the proceedings and giving them an opportunity to submit their version before this Court. It is their contention that the writ petition has been filed totally suppressing the pendency of the partition suit in O.S.No.31 of 2023 on the file of District Court, Tiruvarur with respect to the very same properties, which was the subject matter of the writ petition.



3. The petitioners who are the daughters of the first respondent / writ petitioner would submit that the settlement had been executed with a sole intention of rendering the partition suit infructuous. The petitioners would submit that the property in question is an ancestral property as the same belong to their paternal grandparents Ayyamperumal and Pakkiriammal. The said Ayyamperumal and Pakkiriammal had three children namely Muthaiyyan, Kannagi and the first respondent herein, who is the father of the petitioners. Therefore, it is the contention of the petitioners that they are the coparcenars and are entitled to a share in the property. However, the first respondent with an intent to cheat the sharers, had settled the property in favour of his son Karikalan. The petitioners, prior to the filing of this writ petition, had filed O.S.No.31 of 2023 seeking partition and separate possession of their rightful share in the suit property. In the said suit, the first respondent had taken out an application under Order VII Rule 11 CPC to reject the plaint. Suppressing these facts, the first respondent has filed the writ petition questioning the refusal check-slip issued by the fourth respondent and also seeking production of original documents.

4. The petitioners would submit that by the virtue of orders of this Court in W.P.No.38796 of 2024, the first respondent has got the settlement deed registered and is now staking a claim on the basis of the said settlement deed.



He is also using the orders of this Court to gain advantage before the civil Court. The learned counsel for the petitioners would also submit that not only has the writ petitioner suppressed the filing of the suit, but he has also made a false statement in the affidavit filed in support of the writ petition. The counsel would draw the attention of the Court to the paper publication issued in Tamil Daily 'Dinamani' where the version as to how the original documents were not in the hands of the first respondent, has been narrated differently from the statements made in the affidavit filed in support of the writ petition.

5. The learned counsel appearing for the first respondent / writ petitioner would contend that no prejudice is caused to the petitioners, as the civil Court is yet to consider and pass orders on their claim. The learned counsel also would submit that, non-mentioning of the suit cannot be claimed as suppression of facts, as the same is not germane to the facts of the writ petition.

6. Heard the learned counsel on either side and this Court also perused the records.

7. The only grievance of the petitioners is that the first respondent having obtained the orders behind their back by suppressing the pendency of the suit, and would gain an unfair advantage in the suit in O.S.No.31 of 2023, now pending before the District Court, Thiruvavur. The said grievance can be



assuaged by passing the following directions :

(1) The District Judge, Tiruvarur, who is hearing the suit in O.S.No.31 of

2023, shall proceed to hear the same uninfluenced by the orders passed in

W.P.No.38796 of 2024 or the fact that this Court had directed the Sub

Registrar, Mannargudi, to register the settlement deed executed by the

writ petitioner in favour of his son, Karikalan.

(2) The registration of the settlement deed shall not be taken note of by the

learned District Judge, Tiruvarur, as the parties have to independently

establish their title to the property in question,

8. With the above directions, the order of this Court dated 02.01.2025 in

W.P.No.38796 of 2024, is recalled and consequently, WMP.No.27632 of 2025

is disposed of.

28-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DS



To:

1. The District Court
Tiruvavur.
2. The Inspector General of Registration
Department of Registration
No.100, Santhome High Road
Foreshore Estate, Chennai-600 028.
3. The District Registrar
District Registrar Office
No.32/1, Thiyagarajapuram Theru,
Vijayapuram, Thiruvavur- 610 001.
4. The Sub Registrar, Mannarkudi
No.234, Gandhi Road, Mannarkudi Taluk
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P.T.ASHA J.

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WP No. 38796 of 2024

P.T.ASHA,J.,

Today, the matter is listed under the caption 'for being mentioned'.

2. Heard the learned counsel on either side.

3. Registry is directed to issue a fresh order copy to the counsel after making necessary corrections in Paragraphs 1, 7 and 8 in WMP.No.27632 of 2025 dated 28.01.2026. Paragraph Nos.1, 7 and 8 should read as follows :

" (i) In Paragraph No.1 : The writ miscellaneous petition has been filed seeking **leave to the petitioner to file a petition** to recall the judgment and order dated 02.01.2025 in W.P.No.38796 of 2024.

(ii) In paragraph No.7, in the 3rd line of the order "and" should be removed.

(iii) In Paragraph No.8. *“With the above directions, WMP.No.27632 of 2025 is disposed of.”*

DS

19-02-2026



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P.T.ASHA J.

DS

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19-02-2026