



C.M.A.No.3628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on:</i>	<i>06.01.2026</i>
<i>Pronounced on:</i>	<i>06.03.2026</i>

CORAM :

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI
C.M.A.No.3628 of 2025
and C.M.P.No.30151 of 2025

R.Maheswari.

...Appellant

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Madukkarai,
Coimbatore

...Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Order 43 Rule 1(r), to set aside the order passed on 25.09.2025 in I.A.No.3 of 2025 in O.S.No.779 of 2025 by the Vth Additional District Judge of Coimbatore.

For Appellant : Ms.R.Pushpalatha

For Respondent : Mr.P.Gurunathan,
Additional Government Pleader



C.M.A.No.3628 of 2025

JUDGMENT

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This civil miscellaneous appeal is preferred against the Order passed in I.A.No.3 of 2025 in O.S.No.779 of 2025 dated 25.09.2025 on the file of the V-Additional District Judge, Coimbatore.

2.The appellant as plaintiff filed the above suit in O.S.No.779/2025 for partition and to declare the sale deed dated 01.11.2006 executed by the 5th defendant in favour of the defendants 3 & 4 as null and void; to declare the deed of mortgages dated 12.03.2009 & 07.12.2010 in respect of the suit property executed by the 5th defendant in favour of the 6th defendant as null and void; to declare the sale certificate dated 03.02.2016 executed by the 6th defendant in favour of the 7th defendant in respect the suit property as null and void; and to grant an injunction order against the 8th defendant restraining him from registering any document in respect of the suit property. The plaintiff also filed an application in I.A.No.3 of 2025 for grant of interim injunction restraining the Sub Registrar (8th defendant) from registering any sale deed. The said application was dismissed by the trial Court against which the present appeal is preferred.



C.M.A.No.3628 of 2025

3.The learned counsel appearing for the appellant/plaintiff would submit that the suit properties are the ancestral properties of the appellant/plaintiff and that she is a co-sharer and entitled for a share in the suit property. When the appellant/plaintiff was a minor, her father has sold the properties to the defendants 3 & 4 and also mortgaged the properties with the 6th defendant, without obtaining the permission of the Court. However, the appellant/plaintiff has preferred an application in S.A.No.47/2016 before the Debt Recovery Tribunal, Coimbatore and obtained an order restraining her father from encumbering the suit properties. In the meantime, the defendants 3, 4 & 7 are attempting to encumber the suit property and therefore, she was constrained to file an interim application seeking an order of temporary injunction restraining the Sub Registrar from registering any document in respect of the suit property in favour of any third party till the disposal of the suit. However, the trial Court dismissed the said application by holding that the Sub Registrar cannot be prevented from registering the documents and the same is barred under Section 3 of the Specific Relief Act, 1963. It is submitted that the Registration Act does not touch or affect the equitable jurisdiction possessed by the Civil Courts to pass a decree for specific performance where circumstances exist entitling the plaintiff to such a decree. To support his contention, he has relied



C.M.A.No.3628 of 2025

upon the judgment in the case of ***K.Veeran Ambalam Vs. S.Vellaiammal and Others*** reported in ***AIR 1960 MAD 244***.

4.On the other hand, the learned Additional Government Pleader for the respondent would submit that, there is a bar under Section 3 of the Specific Relief Act, 1963 and therefore, the trial Court has rightly dismissed the application filed by the appellant herein. He would further contend that on 03.02.2016 a sale deed has been executed in favour of the 7th defendant and further, in pursuant to the direction of this Court in W.P.No.25414 of 2022, a rectification deed has been executed. He would further submit that the objection letter submitted by the appellant is taken on file by the Registrar, Madukarai and therefore, the present appeal is liable to be dismissed.

5.Heard on both sides and records perused.

6.The Courts have held that Sub Registrar cannot refuse to register a document merely because a civil suit is pending, unless the applicant establishes a *prima facie* case, balance of convenience and irreparable loss.



C.M.A.No.3628 of 2025

7. In the present suit, the appellant is challenging the sale deed and the mortgage deed executed by her father, when she was a minor, in favour of the defendants 3, 4 & 7 respectively. Whether the above transactions are valid or not, is a matter for adjudication. Even otherwise, if a transfer occurs during the pendency of a suit it is hit by Section 52 of Transfer of Property Act, 1882. Moreover, Section 3 of the Specific Relief Act, 1963 clarifies that, unless otherwise provided, the Act does not deprive any person of rights to relief other than specific performance, such as compensation under an Act. It also ensures that the Act does not affect the operation of the Indian Registration Act, 1908 on documents. The Specific Relief Act, does not override the registration requirements of the Indian Registration Act, 1908. Hence, the trial Court has rightly dismissed the interim application filed by the appellant by holding that, the relief sought by the appellant is against the provisions of Specific Relief Act, which warrants any interference by this Court.

8. Accordingly, this civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06 .03.2026

vsn

5/7



C.M.A.No.3628 of 2025

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The V – Additional District Judge of Coimbatore.

2. The Section Officer,

VR Section, High Court, Madras.



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C.M.A.No.3628 of 2025

K.GOVINDARAJAN THILAKAVADI, J.

vsn

**Pre-delivery judgement made in
C.M.A.No.3628 of 2025
and C.M.P.No.30151 of 2025**

06.03.2026