



WMP(MD)



'026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01-04-2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

WMP(MD) NO. 5392 of 2026

1. M.Murugan
S/o.G.Murthy
Saravanakudil Main Street
Bommayagoundanpatti
Theni Taluk
Theni District.

Petitioner(s)

Vs

1. The District Registrar,
Periyakulam Registration District
Theni District
Theni 625 531.

2. The Sub Registrar
Theni Sub Registrar Office
Theni District-625 531.

3. T.Alakar Raj
S/o.Thirumalnaidu
Door No.576
Kurunji Malar Street
Iyanchathirapatti
Sattur Taluk
Virudhunagar District-626 203.

Respondent(s)

For Petitioner(s):

S. Malaikani
M.Manimegalai
P. Ponnu Pandi
Senthilnathan N
S.Bharathithasan

For Respondent(s): Mr.A.Baskaran,



Additional Government Pleader(For R1 and R2)

Mr.M.Senthilkumar(For R3)

Prayer:

To permit the petitioner to file recall against the order in WP(MD)No. 29255 of 2025 dated 17.12.2025 passed by this Honble Court and thus render justice.

ORDER

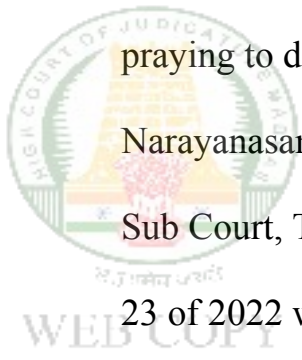
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This application is filed to recall the order passed by this Court on 17.12.2020 passed in W.P(MD)No.29255 of 2025.

2.The third respondent in the application who is the petitioner in the main writ petition presented a document for registration. Upon presentation, the same was refused to be registered by a refusal check slip dated 04.10.2025. The ground on which it was refused is that there was an unregistered Othi in respect of the said property and on other grounds. Upon considering the case of the parties, the writ petition was allowed by setting aside the refusal check slip and the third respondent was directed to re-present the document and the Sub-Register was directed to register the same. It is stated that pursuant to the order, the document was also re-presented and was also registered as Document No.588 of 2026 dated 27.01.2026. At this juncture, the present application is filed.

3.The case of the petitioner is that the petitioner is the owner of the said property. He has purchased the same by way of a registered sale deed bearing Document No.2241 of 2015. It is at this juncture, on 12.09.2019, one Narayanasamy, S/o.Alagarsamy Naidu claiming to be the owner of the land, executed a registered deed in favour of his daughter vide Document No.7059 of 2019 praying to declare the aforesaid settlement deed as null and void. He has already filed a suit in OS No.16 of 2021 before the Principal District and Sessions Court, Theni, and the same is now made over to the Additional District Court, Theni, similarly



praying to declare his sale deed in Document No.2241 of 2015 as null and void.

Narayanasamy and his daughter Kalavathy have filed a suit in OS No.17 of 2021 before the Sub Court, Theni. Thereafter, praying for Joint Trial and an application in Transfer O.P.No.

23 of 2022 was also filed and by an order dated 03.12.2024, the both suits were ordered to be tried together. Suppressing all the above, the document is executed and it is now ordered to be registered. Therefore, the petitioner seeks recall of the said document. Even assuming that the order is passed without hearing the petitioner, who is an interested party, it must be seen that the question is one of rival title, the Sub-registrar cannot decide the same. As and when the petitioner succeeds in the suit, automatically these documents which are registered pendente lite will not bind him. If similarly the opposite party succeeds in the suit, automatically the petitioner's sale deed, it will be declared as null and void.

4. In view of the same, when the civil suit is pending and the trial is going to be progressed, no useful purpose will be served by recalling the order, in as much as already the document itself has been registered. Therefore, keeping open the liberty of the petitioner to pursue the civil suits, this recall application cannot be countenanced and as such, the same is dismissed.

01-04-2026

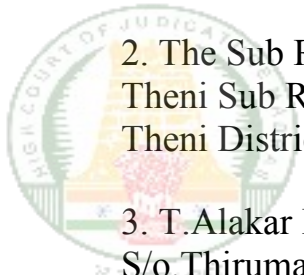
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To

1. The District Registrar,
Periyakulam Registration District
Theni District
Theni 625 531.

D.BHARATHA CHAKRAVARTHY

Ns



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Theni Sub Registrar Office
Theni District-625 531.

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