

Premavathy vs Sub Registrar

Premavathy vs Sub Registrar

SooperKanoon Citation : sooperkanoon.com/1445058

Court : Kerala

Decided On : Oct-26-2022

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/2317/2022

Appellant : Premavathy

Respondent : Sub Registrar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI WEDNESDAY, THE 26TH DAY OF OCTOBER 2022 / 4TH KARTHIA, 1944 WP(C) NO. 2317 OF 2022 PETITIONER: PREMAVATHY AGED 68 YEARS W/O. SOMAN, MUTHAMPARAMBIL HOUSE, MANALLUR P. O., VILLAGE MANALLUR DESOM, THRISSUR TALUK, THRISSUR DISTRICT - 680 617. BY ADVS. RAJIT RAMAKRISHNAN M.N. MARY MANJU VINCENT RESPONDENTS: 1 SUB REGISTRAR THRIIPRAYAR, SUB-REGISTRAR OFFICE, P. O. THRIIPRAYAR, 2 SUB-REGISTRAR VADANAPALLY, SUB-REGISTRAR OFFICE, P. O. VATANAPPALLY, 3 RATHNAKUMARI W/O. KUNJUMON, VENKALATH HOUSE, VADANAPALLY AMSOM, VATANAPPALLY DESOM, CHAVAKKAD

TALUK, THRISSUR DISTRICT - 680 614. SMT.C.S.SHEEJA, SR.GP SRI.V.V.JOY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 2317 OF 2022 2

T.R. RAVI, J.

W.P.(C).No.2317 of 2022 Dated this the 26th day of October, 2022

JUDGMENT

Admit. Government Pleader takes notice for respondents 1 and

2. 3rd respondent appears through Counsel.

The prayer in the writ petition is for a direction to the 1 st respondent to register the original of Ext.P4 document submitted by the petitioner for registration and for a declaration that the 1 st and 2nd respondents cannot refuse to register the original of Ext.P4 on the ground that all the sharers have not affixed the signature in Ext.P4, taking into consideration the fact that the non-signatories have accepted the partition and assigned properties allotted to them as evidenced by Ext.P3. The 3rd respondent has not signed the partition deed which is sought to be registered. The 3rd respondent appears through Counsel and submits that she has no objection to the document being registered. This is for the fact that the 3rd respondent has also transferred the properties which have been allotted to her share as per Ext.P4. This Court had, in T.P. Subramanian v. State of Kerala [2018 (5) KHC 294], in similar circumstances, held that the non-signatories who have accepted the partition and transferred WP(C) NO. 2317 OF 2022 3 their respective shares cannot be heard to say that the document should not be registered. This Court directed the concerned Sub Registrar to register the document. I do not think a different view is required in this case. In such circumstances, the writ petition is allowed. There will be a direction to the 1st respondent to register the original of Ext.P4 document as and when it is presented by the petitioner for registration in the prescribed manner. It is declared that the respondents 1 and 2 shall not refuse to register the original of Ext.P4 on the ground that all sharers

have not affixed the signature in Ext.P4. Sd/- T.R.RAVI JUDGE LEK WP(C) NO. 2317 OF 2022 4 APPENDIX OF WP(C) 2317/2022 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE ABOVE PARTITION DEED DOC.NO.225/1996 OF S.R.O. VATANAPPILLY DATED 07.12.1996. Exhibit P2 A TRUE COPY OF THE PROPERTY TAX RECEIPT ISSUED BY THE VATANAPPALLY VILLAGE OFFICE DATED 24.03.2021. Exhibit P3 A TRUE COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY THE SUB REGISTRAR OFFICE, VATANAPPILLY DATED 03.01.2021. Exhibit P4 A TRUE COPY OF THE DOCUMENT EXECUTED BY THE PETITIONER DATED 17.01.2022. Exhibit P5 A TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 19.01.2022.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com