

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 08TH DAY OF JANUARY 2021 / 18TH POUSHA, 1942

RP.No.926 OF 2020 IN WP(C). 1740/2020

AGAINST THE JUDGMENT IN WP(C) 1740/2020(N) OF HIGH COURT OF
KERALA

REVIEW PETITIONER/S:

VIJAYA BHANU VAMADEVAN
AGED 68, SON OF VAMADEVAN M.P., PRESENTLY EMPLOYED
IN PHILIPPINES AND HAVING PERMANENT RESIDENCE IN
KERALA AT 'MUNDACKAL HOUSE' SIVADASAMANGALAM,
MUNDAKKAL
KOLLAM -691010.

BY ADVS.
SRI.B.SAJEEV KUMAR
SRI.THOMAS JOHN AMBOOKEN
SMT.BLOSSOM MATHEW

RESPONDENT/S:

- 1 NARAYANIKUTTY
AGED 64 YEARS, W/O. VIJAYABHANU, SIVADASAMANGALAM,
MUNDACKAL EAST, KOLLAM(AS SHOWN IN THE WRIT
PETITION)
- 2 THE SUB REGISTRAR
SUB REGISTRARS OFFICE, PUTHENCRUZ, ERNAKULAM
-682308.

R1 BY ADV. SHRI.P.SREEKUMAR
R1 BY ADV. SRI.K.ARJUN VENUGOPAL
R1 BY ADV. SHRI.ASWIN KUMAR M J
R1 BY ADV. SMT.HELEN P.A.
R1 BY ADV. SRI.SHAHIR SHOWKATH ALI
S GOPINATHAN SR GP

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
06.01.2021, THE COURT ON 08.01.2021 PASSED THE FOLLOWING:

O R D E R

R.P.No.926 of 2020
in
W.P.(C) No.1740 of 2020

Dated this the 8th January, 2021

This review petition is filed with leave. The writ petition was filed by one Narayanikutty. She approached this Court stating that her husband Vijaya Bhanu is in jail in Philippines and she could not transfer the property belonging to her and Vijaya Bhanu for want of thumb impression of her husband, eventhough she possess valid power of attorney executed by her husband, Vijaya Bhanu. The parties are hereafter referred to by their names.

2. This Court, taking note of the facts and circumstances of the case, disposed of the writ petition directing the Sub Registrar, to register the document on the strength of the power of attorney, without insisting affixture of thumb impression of

R.P.No.926 of 2020 in
W.P.(C) No.1740 of 2020

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Vijaya Bhanu. Thereafter, the Sub Registrar filed a review petition stating that under Section 32A of the Registration Act, 1908 and its proviso, passport size photographs and finger prints of each buyer and seller are mandatory and those cannot be dispensed with. This Court, though upheld such ground urged in the review petition, taking note of the fact that Narayanikutty's husband is in jail in Philippines, directed the Sub Registrar to comply with the judgment. Thereafter, on the strength of the direction in the judgment, Narayanikutty conveyed the property to various buyers.

3. Leave in this review petition is filed by Vijaya Bhanu Vamadevan through his power of attorney holder, stating that he was not in jail and he had not executed any power of attorney in favour of Narayanikutty. It is also stated by him that marital relationship between him and Narayanikutty was not

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smooth and cases are pending. Taking note of the plea as above, leave was granted.

4. One of the grounds urged in the review petition is that there was no valid power of attorney executed by Vijaya Bhanu in favour of Narayanikutty. If there was no valid power of attorney and the Sub Registrar merely acted on the direction of this Court, believing it to be a valid power of attorney for registration of the document, it certainly demands revisit of the entire issue.

5. Having considered the facts and circumstances, I am of the view that the review petition has to be allowed, to consider the question whether the power of attorney produced before this Court is genuine or not. The Court also has to consider whether any fraud has been played on the Court, to dispense with the formalities under Section 32A.

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6. Considering the above, it is appropriate to review the judgment. Accordingly, the review petition is allowed. The writ petition is restored. Narayanikutty is directed to implead all the persons, who have purchased the property, based on the registration of the document on the strength of the power of attorney.

sd/-

A.MUHAMED MUSTAQUE

JUDGE

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