

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF JUNE 2018 / 18TH JYAISHTA, 1940

WP(C).No. 15190 of 2018

PETITIONER :

1. ARUNA UNNIKRISHNAN, AGED 57 YEARS,
D/O. HENRY TURLOR DEVADAS,
RESIDING AT ASHOKA THILLERY,
KANNUR P.O, PIN 670001

2. ASSET HOMES PVT.LTD.G.128 29/34A,
PANAMPILY NAGAR, KOCHI - 682036
REPRESENTED BY MANAGING DIRECTOR SUNIL KUMAR

BY ADV. SRI. PEEYUS A. KOTTAM

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY SECRETARY,
FINANCE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, 695001

2. SUB REGISTRAR
KANNUR, PIN 670705

BY SENIOR GOVERNMENT PLEADER SRI.B.VINOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-06-2018, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P
1/6/2018

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 15190 of 2018

Dated this the 8th day of June, 2018

JUDGMENT

The petitioner presented Ext P2 agreement for sale and consequential sale deed for registration. By Ext P3 the Sub Registrar suggested that the petitioner to apply for probate the unregistered Will on the strength of the aforesaid documents were presented and to re-present the same. As seen from Ext P2 itself it was only a suggestion to avoid further dispute in the matter. Since the Will is not a compulsorily registerable document certainly it is an option for the petitioner to probate such Will or not. It means that for the purpose of registration it cannot be insisted that unregistered 'Will' be probated. Therefore, this court is of the view that without probating the Will the documents presented by the petitioner shall be accepted for registration in accordance with law.

Writ Petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE

/True copy/

P.S.to Judge

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