

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 28TH DAY OF JUNE 2019 / 7TH ASHADHA, 1941

WP(C).No.17644 of 2019

PETITIONER:

T.KRISHNA PRASAD, AGED 65 YEARS,  
S/O.T.CHANDRASEKHARAN NAIR,  
'THALANCHERY', NADAKAVU P.O.,  
CALICUT - 673 011.

BY ADVS.

SRI.SHYAM PADMAN  
KUM.LAYA MARY JOSEPH  
SMT.BOBY M.SEKHAR  
SMT.IRENE PARAMEL  
SRI.C.M.ANDREWS  
SRI.P.T.MOHANKUMAR

RESPONDENTS:

...@neeharam

- 1 SUB REGISTRAR,  
WEST HILL, OFFICE OF THE SUB REGISTRAR,  
WEST HILL, PUTHIYANGADI, CALICUT - 673 021.
- 2 INSPECTOR GENERAL OF REGISTRATION,  
DEPARTMENT OF REGISTRATION,  
VANCHIYOOR, THIRUVANANTHAPURAM - 695 035.

BY ADV.T RAJASEKHARAN NAIR, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
28.06.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner is a father of Hemchand. Hemchand executed a Power of Attorney in favour of the petitioner. This power of attorney is a General Power of Attorney allowing the father to deal with the property that belongs to him. Based on the Power of Attorney order, the petitioner executed a gift deed in favour of his daughter, who is the sister of Hemchand. The petitioner presented the gift deed along with the Power of Attorney for registration. The Sub Registrar noting that there is no special power given to the petitioner to execute the gift deed, refused to register the instrument. This is how the petitioner approached this Court.

2. The power of Attorney is a General Power of Attorney to deal with the property. There is no need to specify in what mode and manner in which the property can be disposed by the Power of Attorney. In the light of the fact that the petitioner was given the General Power of Attorney to dispose the property and acting upon the same, the Registrar shall register the document. If there is any dispute in this regard,

his son Hemchand is free to take appropriate actions. The scope of inquiry in such circumstances is limited for the Registrar in as much that he cannot insist that mode of disposal shall be only in a particular manner. Therefore, the writ petition is allowed. Impugned order is set aside and the sub-Registrar is directed to register the document in accordance with law.

The writ petition is disposed of as above.

**sd/-**

**A. MUHAMED MUSTAQUE**

**JUDGE**

**APPENDIX**

**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1                      TRUE COPY OF THE NOTARIZED POWER OF  
ATTORNEY EXECUTED IN FAVOUR OF THE  
PETITIONER.

EXHIBIT P2                      TRUE COPY OF THE NOTARIZED SETTLEMENT DEED  
EXECUTED BY THE PETITIONER IN FAVOUR OF HIS  
DAUGHTER.

EXHIBIT P3                      TRUE COPY OF THE LETTER DATED 17/06/2019  
ISSUED BY THE 1ST RESPONDENT.

**RESPONDENT'S/S EXHIBITS : NIL.**

//TRUE COPY//

C.A. TO JUDGE