

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 01ST DAY OF JULY 2019 / 10TH ASHADHA, 1941

WP(C).No.15995 of 2019

PETITIONER/S:

K.Z.SUNNY
AGED 54 YEARS
S/O. ZACHARIAH, ONATTAYA KUNNUMPURATH HOUSE,
PONKUNNAM, CHIRAKKADAVU VILLAGE, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT.

BY ADVS.
SRI.LIJI.J.VADAKEDOM
SRI.RAJEEV JYOTHISH GEORGE
SMT.REXY ELIZABETH THOMAS
TOM E

RESPONDENT/S:

- 1 THE SUB REGISTRAR, KANJIRAPPALLY,
PONKUNNAM P.O, KOTTAYAM-686 506

- 2 KAILAS C,
AGED 57 YEARS, S/O. CHANGDEV, SUHAS BHAVAN,
PONKUNNAM, CHIRAKKADAU VILLAGE, KANJIRAPPALLY TALUK,
PONKUNNAM P.O, KOTTAYAM-686 506

BY ADV. SRI.C.HARINDRAMOHAN NAIR

PM MANOJ GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01.07.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Petitioner presented an instrument for registration. Citing pendency of a Civil Suit instituted by the second respondent, Sub Registrar refused to register the document.

2. As seen from the Suit, Civil Suit was only for an injunction. Pendency of the Civil Suit cannot be a reason at all, to decline the request of registration. In the absence of Civil Court passing an order restraining the petitioner from executing deed, registering authority cannot refused to register the deed. However, this will be subject to the outcome of such suit with regard to the right or interest over the property. Subject to the outcome of the Civil Suit, the instrument presented by the petitioner shall be registered in accordance with law.

The Writ Petition is disposed of.

sd/-

A. MUHAMED MUSTAQUE

JUDGE

APPENDIX**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE TAX RECEIPT SHOWING REMITTANCE OF TAX FOR THE PROPERTY OF 38SQ. METERS IN SURVEY NO. 45/11, BLOCK NO. 16, OF CHIRAKKADAVU VILLAGE IN THE NAME OF THE FATHER OF THE PETITIONER.
- EXHIBIT P2 THE COPY OF THE PLAINT IN O.S. NO. 80/2019 BEFORE THE MUNSIF'S COURT, KANJIRAPPALLY.
- EXHIBIT P3 THE COPY OF PETITION IN I.A. NO. 410/2019 IN O.S. NO. 80/2019 BEFORE THE MUNSIF'S COURT, KANJIRAPPALLY.
- EXHIBIT P4 THE COPY OF THE ORDER DATED 1.4.2019 IN I.A. NO. 410/2019 IN O.S. NO. 80/2019 BEFORE THE MUNSIF'S COURT, KANJIRAPPALLY.
- EXHIBIT P5 THE COPY OF THE PLAINT IN O.S. NO. 83/2019 BEFORE THE MUNSIF'S COURT, KANJIRAPPALLY FILED BY THE MONCY THOMAS.
- EXHIBIT P5 (a) THE COPY OF THE PETITION IN I.A. NO. 428/2019 IN O.S. NO. 83/2019 BEFORE THE MUNSIF'S COURT, KANJIRAPPALLY.
- EXHIBIT P5 (b) THE COPY OF THE OBJECTION FILED BY THE 2ND RESPONDENT HEREIN TO EXHIBIT P5(a) PETITION.
- EXHIBIT P6 THE COPY OF THE ORDER DATED 1.4.2019 IN I.A.NO. 428/2019 IN O.S. NO. 83/2019 BEFORE THE MUNSIF'S COURT, KANJIRAPPALLY.
- EXHIBIT P7 THE COPY OF THE SALE DEED DATED 30.4.2019 EXECUTED BY THE PETITIONER ALONG WITH THE SIBLINGS AND MOTHER IN FAVOUR OF THE THOMAS MATHEW.
- EXHIBIT P8 THE COPY OF THE COMMUNICATION NO. 261/19 DATED 1.5.2019 ISSUED BY THE 1ST RESPONDENT.