

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 29TH DAY OF JULY 2016/7TH SRAVANA, 1938

WP(C) .No. 23521 of 2016 (M)

PETITIONER(S) :

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SREEKALA G.L. ,  
AGED 39 YEARS, W/O.LATE ULLASKUMAR,  
MUKALUVILA PUTHAN VEEDU, EDAVATTOM MURI,  
KARUVELIL P.O., PANITHRESWARAM VILLAGE,  
KOTTARAKKARA TALUK, PIN-691 505.

BY ADVS.SRI.B.KRISHNA KUMAR  
SRI.A.RAJESH

RESPONDENT(S) :

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THE SUB REGISTRAR,  
OFFICE OF THE SUB REGISTRAR,  
PANDALAM, PIN-689 550,  
PATHANAMTHITTA DISTRICT.

BY GOVERNMENT PLEADER SRI.ARUNKUMAR M.R.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 29-07-2016, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

msv/

WP(C) .No. 23521 of 2016 (M)

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APPENDIX

PETITIONER(S) ' EXHIBITS  
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- P1 THE TRUE COPY OF THE DEATH CERTIFICATE.
- P2 THE TRUE COPY OF THE SALE DEED.
- P3 THE TRUE COPY OF THE WILL.
- P4 SERIES: THE TRUE COPY OF THE ORAL TESTIMONY REPORT OF THE VILLAGE OFFICERS OF KURAMPALA AND PAVITHRESWARAM AND ADHAR CARD OF THE PETITIONER AND HER MOTHER IN LAW ATTESTED.
- P5 THE TRUE COPY OF THE TAX RECEIPT DATED 18.6.2016.
- P6 THE TRUE COPY OF THE DOCUMENT/SALE DEED HAS PREPARED AND PRODUCED BEFORE THE RESPONDENT FOR REGISTRATION STRICTLY IN ACCORDANCE WITH THE PROVISIONS OF THE REGISTRATION ACT, 1908 AND THE REGISTRATION RULES (KERALA).
- P7 THE TRUE COPY OF THE REPORT OF ONLINE TOKEN REGISTRATION.
- P8 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE RESPONDENT.

RESPONDENT(S) ' EXHIBITS:  
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NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

**P.B. SURESH KUMAR, J.**

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**W.P.(C) No. 23521 of 2016**  
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**Dated this the 29<sup>th</sup> day of July, 2016**

**JUDGMENT**

The case of the petitioner is that Ext.P6 sale deed executed by her and two others in respect of the property obtained by them as per Ext.P3 Will, is not permitted to be registered by the respondent on the ground that Ext.P3 is an unregistered Will and that there is no mutation in favour of the petitioner and others in respect of the said property.

2. The learned Government Pleader, on instructions, confirms that Ext.P6 document presented by the petitioner and others has not been registered on the grounds pointed out by the petitioner.

3. Ext.P5 is the tax receipt in respect of the property. Ext.P5 indicates that the mutation of the property has been effected in favour of the petitioner and others who are the vendors of the property covered by Ext.P6. Further, Will is not a compulsorily registerable document. In the circumstances, according to me, there is no justification on the part of the respondent in declining registration sought by the petitioner and others.

In the result, the writ petition is allowed and the respondent is directed to register Ext.P6 sale deed, if the document was otherwise in order as on the date of its first presentation.

Sd/-  
**P.B. SURESH KUMAR**  
**JUDGE**

bpr