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C.R.P.(PD)NO.4333 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 12 / 11 / 2025

ORDER DELIVERED ON: 28 / 11 / 2025

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.4333 OF 2022

AND

C.M.P.NO.22784 OF 2022

1.Thenmozhi

D.No.30, J.K.B. Complex,
Ariyur Main Road, Thorapadi,
Vellore – 02.

2.Rajalakshmi

D.No.23, TNPHC Quarters, Pudupet,
Chennai-2.

3.J.Anbarasu,

D.No.149/A, Soolai Sabapathy Street,
Virupatchipuram, Vellore-2.

4.J.Perumal,

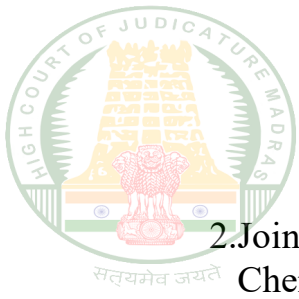
D.No.149, Soolai Sabapathy Street,
Virupatchipuram, Vellore Town,
Vellore District.

... Petitioners/Petitioners/
Plaintiffs

Vs.

1.S.Annadurai,

D.No.138/135, Varnatheertha Street,
Arur Town & Taluk, Dharmapuri District.



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2.Joint Sub-Registrar No.1,
Chengalpattu Registrar Office,
Chengalpattu.

3.District Registrar,
Chengalpattu Registrar Office Campus,
Chengalpattu.

... Respondents 1 to 3 /
Respondents 1 to 3 /
Defendants

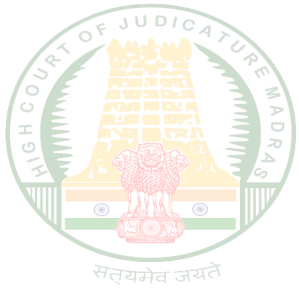
4.Ranjitha,
A-F-2, Vibha Flats, No.3/7, Palayakaran Cross Street,
Kodambakkam, Chennai – 24.

5.R.Pushpalatha,
A-F-2, Vibha Flats, No.3/7, Palayakaran Cross Street,
Kodambakkam, Chennai – 24.

... Respondents 4 & 5 /
Respondents 4 & 5 /
Proposed Parties

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside Fair and Decretal Order dated August 10, 2022 passed in I.A.No.1165 of 2019 in O.S.No.282 of 2017 on the file of District Munsif Court, Chengalpattu, Chengalpattu District.

For Petitioners	: Mr.P.A.Sudesh Kumar
For Respondent-1	: Unclaimed
For Respondents-2 & 3	: Mrs.R.Anitha Special Government Pleader
For Respondents- 4 & 5	: Mr.D.Gopinath



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ORDER

WEB COPY The Revision Petitioners herein are the Plaintiffs and the Respondents 1 to 3 herein are the Defendants 1 to 3 in O.S.No.282 of 2017 on the file of 'the District Munsif Court, Chengalpattu, Chengalpattu District' (hereinafter referred to as the 'Trial Court').

2.The Revision Petitioners/Plaintiffs filed a Statutory Suit against Respondents 1 to 3/Defendants 1 to 3 under Section 77 of 'the Registration Act, 1908' [hereinafter referred to as 'the Act'] directing the Second and Third Respondents to register the documents dated September 06, 2016, numbered as P-115/2016 and P-116/2016 and for permanent injunction restraining the 1st Respondent/1st Defendant, their men and agents from alienating the Suit Property.

3.During the pendency of the Suit, the Revision Petitioners/Plaintiffs filed a petition under Order I Rule 10 (2) & (4) of 'the Code of Civil Procedure, 1908' ['CPC'], praying to implead the Respondents 4 and 5 herein as the Defendants 4 and 5 in the Suit by stating that the First Respondent herein and the Respondents 4 and 5/proposed parties colluded and filed two Suits in O.S.No.32 of 2017 and



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O.S.No.33 of 2017 before the District Judge, Chengalpattu and obtained an *exparte* decree wherein and whereby the Sale Deed executed by the Fourth Respondent - Ranjitha in favour of the First Respondent - Annadurai on January 30, 2015 has been set aside. Hence, the Respondents 4 and 5 herein are necessary parties to the Suit.

4.The Trial Court after hearing both sides, came to the conclusion that the Revision Petitioners/Plaintiffs did not seek any relief against the Respondents 4 & 5 and they are not necessary parties to decide the Suit, accordingly, dismissed the petition.

5.Feeing aggrieved by the Dismissal Order passed in I.A.No.1165 of 2019 in O.S.No.282 of 2017, the Revision Petitioners/Plaintiffs have filed this Civil Revision Petition.

6.Mr.P.A.Sudesh Kumar, learned Counsel appearing for the Revision Petitioners submitted that the First Respondent and the Respondents 4 & 5/proposed parties colluded and filed two Suits in O.S.No.32 of 2017 and O.S.No.33 of 2017 and the Sale Deed executed by the Fourth Respondent in favour of the First Respondent was set



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aside. The Revision Petitioners' father-Jagadeesan and the First Respondent-Annadurai were friends. The Revision Petitioners' father entered into an Oral Agreement of Sale with the First Respondent and the First Respondent also executed two Sale Deeds in favour of the Revision Petitioners' father. Thereafter, the Revision Petitioners' father presented the Sale Deeds for compulsory registration and the Sub Registrar refused to do so. Hence, the Revision Petitioners's father filed an appeal before the District Registrar, the District Registrar also refused to register the documents. Meanwhile the Revision Petitioners' father passed away on May 1, 2017 pending the appeal. Hence, the Revision Petitioners *qua* his legal heirs filed the present Statutory Suit under Section 77 of the Act, seeking direction to register the Sale Deeds. In these circumstances, the First Respondent and the Respondents 4 & 5 / proposed parties with a view to defeat and defraud the rights of the Revision Petitioners, colluded and filed those Suits before the District Court, Chengalpattu to nullify the Sale Deed dated January 30, 2015 executed by the Fourth Respondent-Ranjitha in favour of the First Respondent-Annadurai. Hence, in this Suit, the Respondents 4 & 5, who are alleged Decree Holders against the First Respondent, are necessary parties. The Trial Court without considering the entire facts and circumstances of the case,



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refused to allow the petition. Hence, the Civil Revision Petition, and the same shall be allowed.

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7.Per contra, Mr.D.Gopinath, learned Counsel appearing for the Respondents 4 & 5 submitted that the Respondents 4 & 5 are not necessary parties to the Suit. The Respondents 4 & 5 also got a decree in favour of them against the First Respondent in O.S.Nos.32 and 33 of 2017. Only with a view to harass and give much trouble to the Respondents 4 & 5, they were sought to be impleaded in the Suit. Accordingly, he prayed to dismiss the Revision Petition.

8.Mrs.R.Anitha, learned Special Government Pleader appearing for the Respondents 2 & 3 submitted that the prayer in I.A.No.1165 of 2019 itself is not maintainable as the Respondents 4 & 5 who are alleged owners of a Property cannot be impleaded in a Statutory Suit. Moreover, they are not necessary parties to the Suit. Further, she submitted that the Plaintiff's has prayed for injunction against the First Respondent, which prayer cannot be sought for in a Statutory Suit. The Registration Department is in no way connected with the alleged dispute between the Revision Petitioners and the Respondents 4 & 5. She further submitted



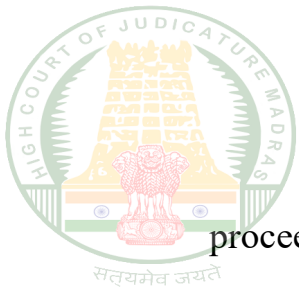
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that the Trial Court has rightly dismissed the Interlocutory Application and accordingly, she prayed to dismiss the Civil Revision Petition.

9.This Court has considered the submissions made by the learned Counsel appearing on either side and perused the Complaint, Petition, Affidavit filed in support of the petition and other papers annexed with the case file.

10.The Plaintiffs filed Statutory Suit under Section 77 of the Act seeking compulsory registration. In a Statutory Suit, the parties to the document, the concerned Sub Registrar as well as the District Registrar alone are necessary parties. Further, in a Statutory Suit, the parties to a document and the genuineness of the document alone would be considered and not the validity of the document. The validity of the document shall be determined in Suit properly framed for that purpose. Hence, the respondents 4 & 5 / proposed parties are not necessary parties to decide the Suit under Section 77 of the Act. It is settled law that the Suit under Section 77 of the Act cannot be converted into a Title Suit. Even assuming that Respondents 4 & 5 have some interest over the Suit Property, their private dispute can be adjudicated in a separate



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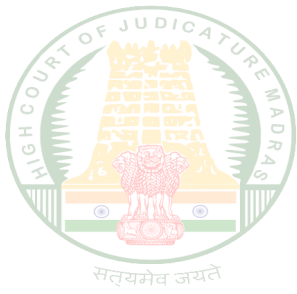
proceeding, not in a Suit under Section 77 of the Act. In short, the remedy provided under Section 77 does not taken away the larger remedy under the Specific Relief Act, 1963 [See *Sk.Md.Ismail -vs- Sk.Anwar Ali*, reported in *1991 SCC Online Cal 33* and *Kalavakurti Venkata Subbiah -vs- Bala Gurappagari Guruvi Reddy*, reported in *(1999) 7 SCC 114*].

11. Section 77 of the Act is extracted hereunder for ready reference:

77. Suit in case of order of refusal by Registrar.

“(1)Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2)The provisions contained in sub-sections (2) and (3) of section 75 shall, mutatis mutandis, apply to all documents presented for registration in accordance with any such decree,



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and, notwithstanding anything contained in this Act, the documents shall be receivable in evidence in such suit.”

12.The Trial Court has rightly dismissed the application and there is no irregularity or illegality in the Order passed by the Trial Court. Therefore, this Civil Revision Petition does not have any merits and deserves to be dismissed.

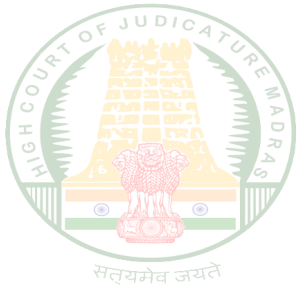
13.In the result, this Civil Revision Petition is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

28/11/2025

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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To

The District Munsif Court,
Chengalpattu,
Chengalpattu District.



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R. SAKTHIVEL, J.

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PRE-DELIVERY ORDER MADE IN

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