

(2024) 06 KL CK 0052

In the High Court Of Kerala

Case No : Writ Petition (C) No. 10561 Of 2024

Abdul Saleem K.M.

APPELLANT

Vs

District Registrar

RESPONDENT

Date of Decision : 05-06-2024

Acts Referred:

Kerala Registration Act, 1908 — Section 17(g)
Kerala Stamp Act, 1959 — Section 32(1)(b)

Citation : (2024) 06 KL CK 0052

Hon'ble Judges : C.Jayachandran, J

Bench : Single Bench

Advocate : K.Rakesh, Ajith Viswanathan

Final Decision : Disposed Of

Judgement

C.Jayachandran, J

1. The order under challenge in this Writ Petition is Ext.P3, as per which, the 2nd respondent/Sub Registrar refused to accept and act upon Ext.P2 Power of Attorney, for the purpose of executing Ext.P1 assignment deed. In Ext.P3, the 2nd respondent would take a stand that Ext.P2 Power of Attorney is a compulsorily registrable document under Section 17(g) of the Kerala Registration Act, 1908.

2. Learned counsel for the petitioner would submit that the Power of Attorney was executed outside India and the same has been adjudicated in terms of Section 32(1)(b) of the Kerala Stamp Act and necessary stamp duty has already been paid. As of now, the petitioner is prepared to register the Power of Attorney, as required by 2nd respondent/Sub Registrar in Ext.P3. The petitioner therefore seeks an order enabling the same.

3. In the above referred facts and circumstances, the petitioner will be at liberty to present the Power of Attorney for the purpose of registration before the 2nd respondent/Sub Registrar, who would register the same in accordance with law.

It is clarified that this Court has not examined the merit of the contention as to whether a Power of Attorney executed outside India requires registration as per the provisions of the Kerala Registration Act.

This Writ Petition is disposed of as above.