

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10164 of 2015

V.Rajeswari

...Petitioner

Versus

The Sub Registrar,
Office of District Registrar,
Virugambakkam SRO,
Virugambakkam, Chennai - 600 078.

...Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, to call for the records of impugned proceedings of the respondent dated 20.03.2015 bearing Check Slip No.2/2015 and quash the same and further issue necessary direction to the respondent to register the Decree and judgment dated 27.03.2014 passed in O.S.No.6684/2012 on the file of XIII Assistant City Civil Court, Chennai in accordance with section 25(i) of Registration Act, 1908.

For Petitioner : Mr.A.Prabhakaran

For Respondents : Mr.Rm.Muthukumar
Government Advocate

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The grievance expressed by the petitioner is that though the suit filed by her and four others through the Power of Attorney agent viz. J.Perumal in O.S.No.6684 of 2012, came to be decreed exparte on 27.03.2014 by the Court of XIII Assistant City Civil Court and the same is presented for registration, the respondent without properly appreciating the relevant provisions of law, has

returned the same vide proceedings in Check Slip No.2 of 2014 dated 20.03.2015 and challenging the legality of the same, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner has invited the attention of this Court to Section 25(i) of the Registration Act and submitted that as per the Act, the Registering authority can register a decree when presentation does not exceed four months on payment of fine not exceeding 10 times the amount of proper registration fee and on payment of the same, it can be registered and without appreciating the said provision, has erroneously returned the application and hence prays for appropriate orders.

4. Heard the submissions of Mr.A.Prabhakaran, learned counsel appearing for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the respondent.

5. This Court, after taking into consideration the rival submissions and in the light of the above said legal provision is of the view that the impugned order warrants interference.

6. In the result, the impugned order dated 20.03.2015 bearing Check Slip No.2 of 2015, is set aside and the respondent is directed to take into consideration Section 25(i) of the Registration Act, 1908 and entertain the application for registration of the Decree and Judgment dated 27.03.2014 passed in O.S.No.6684 of 2012 on the file of the Court of XIII Assistant City Civil Court and pass appropriate orders in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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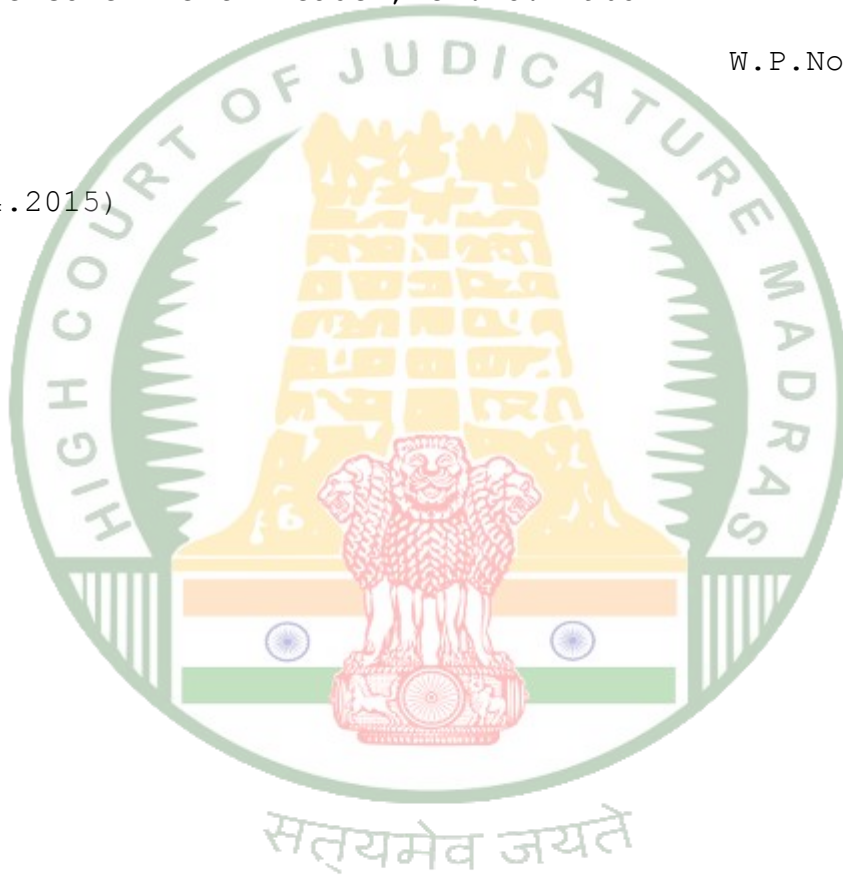
The Sub Registrar,
Office of District Registrar,
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Virugambakkam, Chennai - 600 078.

1 CC to Mr.A.Prabhakaran, Advocate SR.No. 19354

1 CC to the Government Pleader, SR.No. 19654

W.P.No.10164 of 2015

CTK (CO)
PSI (27.04.2015)



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