



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4194 of 2019

WEB COPY

Asma Jailani

... Petitioner

Vs

1.The Sub Registrar,
Manamadurai,
Sivagangai District.

2.Yousuf Quraishi Raja

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to forthwith register the judgment and decree, dated 01.03.2013 passed in O.S.No.82 of 2011 on the file of District Munsif Court, Manamadurai without insisting on the period of limitation under the Registration Act, 1908 and restrain the respondents from creating any encumbrance in respect of house site plot No.17, comprised in S.No.107/6, admeasuring 1726 square feet of Rajakambiram village, Manamadurai Taluk, Sivagangai District.

For Petitioner	: Mr.S.Balamurugan
For R1	: Mr.M.Murugan Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband Sheik Mohamed filed O.S.No.82 of 2011 on the file of the Principal District Munsif Court, Manamadurai and the same was decreed on 01.03.2013. The petitioner states that the said judgment and decree have become final. The petitioner wants to enter the same in the encumbrance register maintained by the first respondent herein. When the decree was presented for registration, the first respondent took the stand that registration was barred by time. Hence this writ petition came to be filed.

3.The issue on hand is no longer res integra. It has been held by the learned Judge of this Court in W.P.(MD)No.18805 of 2013 dated 28.11.2016 in the case of Lakshmi Vs Sub Registrar, that the time limitation laid down in Section 23 of the Registration Act is not mandatory.



4. Therefore, the first respondent is directed to register the petition mentioned judgment and decree in the encumbrance register on the file of the first respondent.

5. Accordingly, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar (Crl Side)

/TRUE COPY/

Sub Assistant Registrar (CS)

To
The Sub Registrar,
Manamadurai,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-60736[F] dated 12/04/2019)

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-60828[F] dated
12/04/2019)

W.P. (MD) No. 4194 of 2019

SP/2P/4C