



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 6204 of 2019

Y. Hakkim

... Petitioner

Vs.

The Joint Sub Registrar No. II,
Sub Registrar Office,
Ramanathapuram,
Ramanathapuram District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned memo dated Nil issued by the respondent and to quash the same as illegal and consequently, direct the respondent to register the decreetal order in I.A.No.589 of 2016 in O.S.No.195 of 2015 on the file of the learned District Munsif, Ramanathapuram, within the time stipulated by this Court.

For Petitioner

: Mr. K. Sivabalan

For Respondent

: Mr. M. Murugan
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was shown as second defendant in O.S.No.195 of 2015 on the file of the District Munsif Court, Ramanathapuram. The petitioner filed I.A.No.589 of 2016 for rejection of the said plaint. I.A.No.589 of 2016 was allowed on 20.06.2017.

3. The learned counsel appearing for the petitioner states that this order allowing I.A.No.589 of 2016 has become final. He wanted the same to be registered. The respondent declined to register the same on the ground that the time limit of four months prescribed in Section 23 of the Registration Act, had expired. It has been held in more than one case by the Madras High Court that the said time limit of four months prescribed in Section 23 of the Registration Act, is not mandatory.

<https://hcservices.courts.gov.in/hcservices/>

4. Therefore, the order impugned in this writ petition is



set aside. The respondent is directed to register the petition mentioned order. The writ petition is allowed. No costs.

Sd/-

Assistant Registrar (Crl Side)

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// True Copy //

Sub Assistant Registrar (CS)

To
The Joint Sub Registrar No.II,
Sub Registrar Office,
Ramanathapuram,
Ramanathapuram District.

+1cc to Mr.K.SIVABALAN, Advocate, SR.No. 54470
+1cc to M/s.Special Government Pleader, SR.No. 54763

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RMI
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