



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.18743 of 2018

WEB COPY

D.Sugumar

... Petitioner

Vs

1.The Sub Registrar,
Sholavanthan,
Madurai District.

2.T.Jeyaraj

(R2 impleaded vide order dated
07.03.2019 made in
W.M.P. (MD) No.18401 of 2018)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to the suitable order directing the respondent to register the final decree passed in I.A.No.1018 of 2014 in O.S.No.369 of 1979 dated 21.11.2016 on the file of the learned Principal Sub Court, Madurai.

For Petitioner : Mr.V.Maragathavel
For R1 : Mr.M.Murugan
Government Advocate

For R2 : Mr.E.D.Prakash
(Proposed Respondent): Mr.E.D.Prakash

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was one of the plaintiffs in O.S.No.369 of 1979 on the file of the Principal Sub Court, Madurai. Preliminary decree was passed. I.A.No.1018 of 2014 was filed for passing final decree. The same was passed on 21.11.2016. The petitioner presented the said document for registration. But the Sub Registrar, Solavanthan declined to register the same. That necessitated filing of this writ petition.

3.When the matter taken up for hearing, the learned Government Advocate pointed out that as per Section 23 of the Registration Act, 1908, time for presentation of the said document is only four months. In this case, the petitioner presented the document beyond the said Limitation Period and therefore the Registering Authority



is justified in declining to register the same.

4. However, the learned counsel for the petitioner placed reliance on the decision reported in **2017(1) LW 721** in the case of **Lakshmi Vs. The Sub Registrar, Valapady, Salem District**. It has been held therein as follows:

"6. The proviso to Section 23 of the Registration Act, 1908 states that a copy of the decree may be presented within four months from the day on which the decree or order was made, or where it is appealable, within four months from the day on which it becomes final.

7. Furthermore, the limitation prescribed under Section 23 should be read with in consonance with Section 25 of the Registration Act, 1908. Since they are only directory in nature, the check slip issued by the respondent is liable to be set aside. Accordingly, the check-slip dated 11.09.2012 is set aside the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is also closed."

5. The case on hand is squarely covered by the aforesaid decision. Hence, the respondent is directed to register the petition mentioned decree forthwith and without any delay.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar

To
The Sub Registrar,
Sholavanthan,
Madurai District.

+1CC to Mr.E.D.PRAKASH , Advocate SR.No. 52981.
+1CC to Mr.V.MARAGATHAVEL , Advocate SR.No. 52536.
+1CC to The Special Government Pleader SR.No. 52996.

W.P. (MD) No.18743 of 2018

07.03.2019