



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.25349 of 2019

P.Vikraman

... Petitioner

Vs.

The Sub Registrar,
Shencottai, Tenkasi District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned check slip in RFL/Shencottai/29/2019, dated 22.11.2019, of the respondent and quash the same and consequently, direct the respondent to register the decree in O.S.No.54 of 2007, dated 21.04.2008 passed by the Principal District Munsif Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.M.Murugan,
Government Advocate.

O R D E R

This Writ Petition has been filed to quash the impugned check slip in RFL/Shencottai/29/2019, dated 22.11.2019, and consequently, direct the respondent to register the decree in O.S.No.54 of 2007, dated 21.04.2008 passed by the Principal District Munsif Court, Tirunelveli.

2.The learned counsel for the petitioner obtained decree in O.S.No.54 of 2007, dated 21.04.2008, thereafter, he has approached the respondent to register the same. Whereas, it was returned that the decree should have been registered within a period of four months. Therefore, it is barred by limitation under Section 23 of Indian Registration Act, 1908.

3. In similar circumstances, the Honourable Division Bench of this Court in this case of **Sarvothaman Vs. Sub-Registrar, Oulgaret, Pondicherry**, reported in **2019 (2) CWC 314** has held that the law of limitation will not apply for registration of decree. The relevant paragraph of the order reads as follows:

"14. This question is no longer *res integra* and this Court has consistently held that the Law of Limitation will not apply when a Court Decree is presented for registration. Earliest of the decisions, which has been followed consistently by a Division Bench of this Court is in the case of A.K. Gnanasankar Vs Joint-II Sub-Registrar, Cuddalore-2, reported in 2007 (2) TCJ 68. In the said decision, this Court held

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that the limitation prescribed for presenting a



document does not apply to a decree, as it is a permanent record of the Court and to register the same, no limitation is prescribed.

15. This decision was followed by one of us (TSSJ) in W.P.No.9352 of 2015 dated 31.3.2015 [B.Vijayan Vs. District Registrar & another]. Subsequently, a similar view had been taken by this Court in W.P.No.8247 of 2016 dated 07.3.2016 G.Mudiyarasan & another Vs. Inspector General of Registration, which once again relied upon the decision in the case of A.K.Gnanasankar. Further, in the case of Arun Kumar Vs. Inspector General of Registration W.P.No.16569 of 2016 dated 06.6.2016, this Court directed registration of a judgment and Decree passed by the Principal District Munsif Court, Salem by condoning the delay on an Application filed by the person presenting the document and in that decision, this Court referred to the decision in the case of Rasammal Vs. Pauline Edwin & others reported in 2011 (2) MLJ 57, wherein the Court considered the scope of Section 25 of the Act."

4. In view of the judgment, the impugned check slip in RFL/Shencottai/29/2019, dated 22.11.2019, is set aside and the respondent is directed to register the decree within a period of two weeks from the date of receipt of a copy of this order.

5. This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar (CS)

das
To
The Sub Registrar,
Shencottai, Tenkasi District.

+1 CC to MR.H. ARUMUGAM, Advocate (SR-102609[F] dated
29/11/2019)
+1 CC to SPL GP (SR-102822[F] dated 29/11/2019)

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