



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.26399 of 2019

S.Kanagammal

... Petitioner

vs.

The Sub Registrar,
Sub-Registrar's Office,
Big Bazaar, Rajapalayam- 626 117,
Virhdunagar District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to register the judgment and decree passed in O.S.No.1 of 2009, dated 11.04.2016 on the file of the Sub Court, Srivilliputhur in Virudhunagar District in the light of the judgment reported in 2019 (3) MLJ 517.

For Petitioner

:Mr.V.Vijayashankar

For Respondent

:Mr.M.Murugan

Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, to direct the respondent to register the judgment and decree passed in O.S.No.1 of 2009, dated 11.04.2016 on the file of the Sub Court, Srivilliputhur in Virudhunagar District in the light of the judgment reported in **2019 (3) MLJ 517**.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.It is stated that the petitioner has purchased a house plot in 2003 from Tamil Nadu Housing Board. It is further stated that her husband, by impersonating her, sold the property allotted to her. In the said circumstances, it appears that the petitioner has filed a suit in O.S.No.1 of 2009 against her ex-husband and others for a declaration that the petitioner is the owner of the house plot and building allotted to the petitioner by Tamil Nadu Housing Board and for recovery of possession. It is further sated that the said suit was decreed and that she is in possession and enjoyment of the property. The petitioner wants to register the said judgment and decree of the civil suit and in this regard, the petitioner approached the respondent. It is stated further that the respondent refused to entertain the judgment and decree for registration, by saying that the registration of Civil Court decree is not permissible beyond the period of limitation. Hence, the petitioner has approached this Court.



4.The learned Counsel for the petitioner relied upon a judgment of Honourable Division Bench of this Court in the case of **S.Sarvothaman vs Sub Registrar, Oulgaret, Pondichery**, reported in **(2019) 3 MLJ 517**, wherein, it has been held that Section 23 of the Registration Act has no application to register the judgment of Civil Court. The registering authority was also directed to register the decree of Civil Court in the said case.

5.This Court going through the records, satisfied that the petitioner has made out a case to the satisfaction of this Court. On perusal of the records, this Court consider it fit to issue the following direction:

5.1.The respondent is directed to consider the judgment and decree in O.S.No.1 of 2009, dated 01.04.2016 for registration in the light of judgment of Honourable Division Bench of this Court in the case of **S.Sarvothaman vs Sub Registrar, Oulgaret, Pondichery**, reported in **(2019) 3 MLJ 517**, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

cmr
To
The Sub Registrar,
Sub-Registrar's Office,
Big Bazaar, Rajapalayam- 626 117,
Virhdunagar District.

COPY TO:

The Subordinate Judge,
Virudhunagar District at Srivilliputhur.

+1cc to Mr.V.Karthikeyan, Advocate, SR.No.104611

+1cc to M/s.Special Government Pleader, SR No.104966

W.P.(MD)No.26399 of 2019

12.12.2019

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