

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.1592 OF 2020

AND

W.M.P.NO.1856 OF 2020

1. Sri Meenakshi
2. S.P.Thilliakarasi

... Petitioner

Vs

The Sub Registrar,  
Sooramangalam,  
Salem District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the Respondent dated 13.12.2019 in Refusal check up in RFL/Sooramangalam/7/2019 and consequently direct the Respondent to register the Court Decree dated 27.04.2010 in O.S. No. 625 of 1996, on the file of the Principal Subordinate Judge, Salem.

For Petitioners : Mr.K.Selvaraj

For Respondent : Mr.M.Thamizharasan  
Additional Government Pleader

ORDER

This writ petition has been filed by the Petitioners, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the Respondent dated 13.12.2019 in Refusal check up in RFL/Sooramangalam/7/2019 and consequently direct the Respondent to register the Court Decree dated 27.04.2010 in O.S. No. 625 of 1996, on the file of the Principal Subordinate Judge, Salem.

2. Heard the learned counsel for the Petitioners and the learned Additional Government Pleader for the Respondent.

3. A short point that arises for consideration is whether

that the Respondent can refuse to register the Court decree passed on 27.04.2010 in O.S. No. 625 of 1996 relying on Sections 23 & 25 of the Tamil Nadu Registration Act, 2008.

4. The learned counsel for the Petitioner has relied on the following decisions:-

(a) B. Vijayan Vs The District Registrar, Saidapet, Chennai - 600 015 and another, dated 31.03.2015 in W.P. No. 9352 of 2015.

(b) Dr. Sulochana Vs The Inspector General of Registration, Chennai and others, 2017 (2) CWC 489 dated 28.10.2015 in W.P. No. 31703 of 2015.

(c) G. Mudiyaaran, J. Arun Kumar Vs The Inspector General of Registration, Chennai and another, dated 07.03.2016 in W.P. No. 8247 of 2016.

(d) P.A.Duraisamy Vs The Registrar, Registration Department, Coimbatore and another, dated 26.10.2016 in W.P No. 2824 of 2013.

(e) Lakshmi Vs The Sub Registrar, Salem District, 2017-1-L.W.721 dated 28.11.2016 in W.P. No. 18805 of 2013.

(f) A1362 Meenakshi Co-operative Building Society Ltd., Vs The District Registrar, Madurai, dated 12.04.2018 in W.P. (MD) No. 5108 of 2018.

(g) S.Sarvothaman Vs The Sub-Registrar, Oulgaret, Pondicherry, 2019 3 MLJ 517 dated in W.A. No. 336 of 2019.

5. In the above decisions, this Court has held that leniency has to be shown for Registration of a Court decree. A Division Bench of this Court in the case of S.Sarvothaman Vs The Sub-Registrar, Oulgaret, Pondicherry, 2019 3 MLJ 517, has held as follows:-

"A court decree is not compulsorily registerable and that the option lies with the party. In such circumstances, the law laid down by this Court clearly states that the limitation prescribed under the Act would not stand attracted. Presentation of the decree from the date of obtaining certified copy is well within the period of limitation prescribed under Section 23 of the Act even assuming that the said provision would apply to the case on hand. Time limit stipulated under Section 23 of the Act will have no application to a court decree. For the above reasons, this Court is of the considered view that the reasons assigned by the Respondent for refusing to register the decree is unsustainable in law."

6. In view of overwhelming number of Judgments in favour of the Petitioner, I am of the view that this writ petition deserves to be allowed. Accordingly, this Writ Petition is allowed. The Respondent is directed to register the subject

document within a period of four weeks on payment of appropriate penalty. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arb

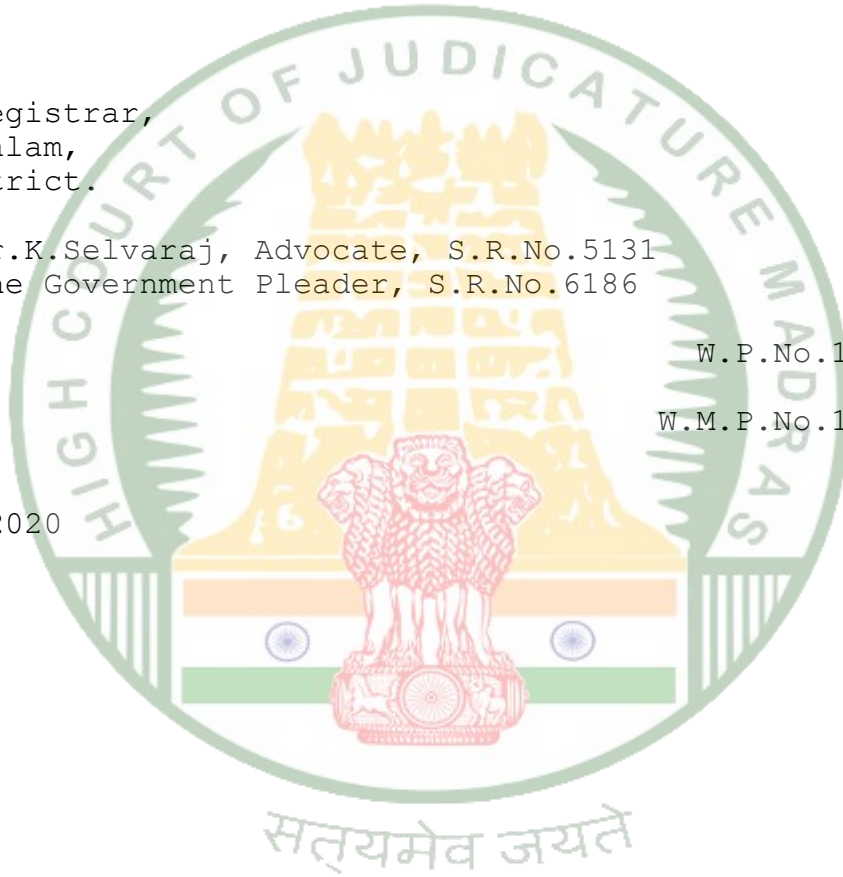
To

The Sub Registrar,  
Sooramangalam,  
Salem District.

+lcc to Mr.K.Selvaraj, Advocate, S.R.No.5131  
+lcc to the Government Pleader, S.R.No.6186

W.P.No.1592 of 2020  
and  
W.M.P.No.1856 of 2020

RGN(CO)  
CS/09/03/2020



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