

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.18823 of 2017

R.Krishnamurthy

... Petitioner

vs

1.Sub Registrar, Joint I,
Thiruppadiripuliyur,
Cuddalore - 607 002.

... Respondents

2.The District Registrar,
Thiruppadiripuliyur,
Cuddalore - 607 002.

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents to receive the certified copy of the compromise decree dated 19.01.2017 recorded before the Lok Adalat at Cuddalore between the petitioner and Arasakumar in I.A.No.403 of 2015 in O.S. No.158 of 2013 on the file of Principal District Court, Cuddalore [Lok Adalat Case No.29/2017] and register it.

For Petitioner : Mr. D. Baskar

For Respondents : Mr.P.P. Purushothaman
Government Advocate

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to receive the certified copy of the compromise award dated 19.01.2017 recorded before the Lok Adalat at Cuddalore between the petitioner and Arasakumar in I.A.No.403 of 2015 in O.S. No.158 of 2013 on the file of the Principal District Court, Cuddalore [Lok Adalat Case No.29/2017] and register the same.

2. Mr. D. Baskar, learned counsel appearing for the petitioner submitted that when the petitioner presented the Lok Adalat Award for registration before the 1st respondent, the same was refused on the ground that the petitioner has not paid the necessary stamp duty, since the document should be

construed as final decree.

3. Admittedly the suit in O.S. No.158 of 2013 was filed by the petitioner for partition and during the pendency of the final decree, the parties entered into the compromise before the Lok Adalat in Lok Adalat Case No.29/2017. Based on the compromise entered into between the parties, the Lok Adalat passed an award and thereafter, the petitioner presented the award passed by the Lok Adalat before the 1st respondent for registration. The award passed by the Lok Adalat cannot be construed as a final decree and therefore, the 1st respondent cannot insist the petitioner to pay the stamp duty on par with the final decree in a suit for partition. In such view of the matter, the 1st respondent should register the document after receiving the necessary stamp duty and registration charges from the petitioner. The learned counsel appearing for the petitioner submitted that the petitioner would pay the necessary stamp duty and the registration charges within two weeks from the date of receipt of a copy of this order. On making such payment, the 1st respondent shall register the document if it is otherwise in order within a period of three weeks thereafter.

With these observations, the Writ Petition is disposed of. No costs.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

Rj

To

1.Sub Registrar, Joint I,
Thiruppadiripuliyur,
Cuddalore - 607 002.

2.The District Registrar,
Thiruppadiripuliyur,
Cuddalore - 607 002.

+1 C.C. to MR.R.GURURAJ Advocate SR.NO.38530

+1 C.C. to Government Pleader Advocate SR.NO.38680

W.P.No.18823 of 2017

RLD (CO)

UM (15.12.2020)