

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.1840 of 2021

K.Sivasamy

...

Petitioner

Vs.

1.The District Registrar (Administrative)
Tiruppur.

2.The Sub Registrar
Dharapuram
Tiruppur District.

3.S.M.Govindasamy

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the check slip dated 17.06.2020 on the file of the second respondent and quash the same and consequently direct the second respondent to register the decree dated 22.04.2018 passed in O.S.No.171 of 2009 on the file of Sub Judge, Dharapuram, Tiruppur District.

For Petitioner : Mr.K.Sudhakar

For Respondents: Mr.T.M.Pappiah

Special Government Pleader [R1 & R2]

ORDER

The petitioner approached the Sub Registrar, Dharapuram/2nd respondent to register the compromise decree in O.S.No.171 of 2009 on the file of the Sub Court, Dharapuram, dated 22.04.2018, vide his application dated 17.06.2020. However his request was not considered by the Sub-Registrar, and he has issued a check slip dated 17.06.2020 indicating that the document was belatedly presented for registration, to which a detailed representation was made by the petitioner on 14.10.2020. Unfortunately, no response to it. Hence, the petitioner is before this Court.

2. Heard Mr.K.Sudhakar, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents 1 and 2, and perused the documents.

3. The learned counsel for the petitioner brought to the notice of this Court in a judgment of this Court in

K.Dhayanidhi vs. State of Tamil Nadu [2020 (2) TNCJ 737(Mad)], wherein, the Court has held, after relying on the judgment of the Division Bench of this Court in S.Sarvothaman v. The Sub Registrar at Oulgaret, Puducherry [2019(3)MLJ 517 = AIR 2019 Mad 125] that registering a decree of the Court is an optional registration and hence, the limitation prescribed under Sections 23 and 25 of the Act, would not apply.

4. The learned Special Government Pleader appearing for the respondents would submit that the Registration Act gives exception in the document and hence, the Sub-Registrar has refused to register the document.

5. The law declared by the Division Bench of this Court in S.Sarvothaman case cited supra, has settled the issue. The registration of a decree is only optional under Section 17(2) of the Registration Act, and therefore, the limitation prescribed under Section 23 of the Act, and the power to condone the delay after four months as provided under Section 25 of the Act, may not apply. There is however one exception to the rule in that, as per Section 17(2)(vi) of the Registration Act, where in a compromise decree, any properties other than the subject matter of the suit (in which compromise decree is passed) is included, then such compromise decree has to be registered under Section 17(1) of the Act. Therefore, except the category of compromise decrees as mentioned in Section 17(2)(vi) of the Registration Act, for all other categories of decrees, the Registering Authority has to register the same without reference to any limitation.

6. So far as the decree required to register in the present petition is concerned, the subject to what is herein above stated, the Registering Authority is required to register the same. The petition is allowed in the manner indicated. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The District Registrar (Administrative)
Tiruppur.

2.The Sub Registrar
Dharapuram
Tiruppur District.

+1cc to Mr.K.Sudhakar, Advocate SR.5657
+1cc to the government Pleader SR.6087

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SN (CO)
CB (02/03/2021)



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