



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.13352 of 2021

and

W.M.P. No.14182 of 2021

K.Venkatachalam,
S/o. M.Krishnan

... Petitioner

Vs.

The Joint No.3 Sub-Registrar,
Salem (West),
Office of Sub-Registrar (West),
Salem.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records with respect of the impugned order passed by the respondent dated 05.05.2021 in his proceedings RFL/Salem West Joint III/4/2021 and quash the same, consequently direct the respondent to register the compromise decree passed in O.S.No.337 of 2019 dated 08.02.2020 on the file of II Additional Sub-Judge, Salem (Lok Adalat Case No.91 of 2020 on the file of Lok Adalat, Salem) within a stipulated period as fixed by this Hon'ble Court.

For Petitioner	:	Mr.R.Nalliyappan
For Respondent	:	Mr.Yogesh Kannadasan, Government Advocate

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the order passed by the respondent Sub-Registrar refusing to register a compromise decree passed by the civil court on the ground that the document has been filed beyond the period of limitation.

2. The grievance of the petitioner is that, the petitioner is 4th respondent in a partition suit and the suit has been compromised. Based on that, a compromise decree has been passed by the civil court. Thereafter, as the petitioner wants to register the same, he has presented the document before the respondent on 05.05.2021. On the same day, the respondent had returned the document on the ground that the document has been filed belatedly. Now, challenging the said



order, the present writ petition has been filed by the petitioner.

3. Considering the fact that, this Court in a judgment passed W.P. Nos. 4591 of 2020, 13022 etc. of 2021 dated 29.07.2021 has held that the limitation prescribed under Sec.23 of the Registration Act is not applicable for registering the decree, the respondent cannot refuse to register the decree on the ground of delay. In the said circumstances, the order passed by the respondent Sub-Registrar is set aside, and the respondent Sub-Registrar is directed to register the document within a period of two weeks from the date of receipt of a copy of this order without any reference to the limitation prescribed under Section 23 of the Registration Act, if the document is otherwise in order. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpp
To

The Joint No.3 Sub-Registrar,
Salem (West),
Office of Sub-Registrar (West),
Salem.

W.P.No.13352 of 2021

SSV(CO)
A.SK(19.08.2021)