



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15541 of 2021

and

W.M.P. No. 16458 of 2021

Jayabharathi,
W/o. Late Gunasekaran

... Petitioner

Vs.

The Sub-Registrar,
Avalpoondurai Registrar Office,
Erode Dt.

... 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 relating to the impugned order made in Check Slip dated 29.06.2021 in RFL/Avalpoondurai/60/2021 by the respondent, quash the same and consequently direct the respondent to register the judgment and decree dated 04.08.2017 made in O.S.No.126 of 2017 passed by I Addl. Subordinate Court, Erode.

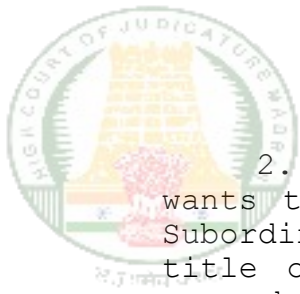
For Petitioner : Mr.R.Prabakar

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-Register to register the decree passed by the civil court on the ground that it was presented beyond the period of limitation prescribed under Sec.23 of Registration Act.



2. The grievance of the petitioner is that, the petitioner wants to register the civil court decree passed by the I Addl. Subordinate Court, Erode in O.S.No.126 of 2017, wherein the title of the petitioner is declared and he has presented the same before the respondent for registration. The respondent refused to register the document for registration on the ground that it has been filed beyond the period of limitation prescribed under Sec.23 of Registration Act. 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, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

rpp

To:

The Sub-Registrar,
Avalpoondurai Registrar Office,
Erode Dt.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.36661
+1cc to the Government Pleader, S.R.No.37378

W.P.No.15541 of 2021

SSI(CO)
SU(27/08/2021)