



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.16823 of 2019

[Video Conferencing]

V.Nagabushanam

... Petitioner

Versus

1.The Inspector General of Registration
Santhome, Chennai.

2.The Sub Registrar
Office of the Sub Registrar
Virugambakkam,
Chennai.

... Respondents

PRAYER : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records in the proceedings in C.No. 194 of 2019 dated 03.07.2019 on the file of the second respondent and quash the same and directing the 2nd respondent to register the decree dated 10.03.2010 in C.S.No. 67 of 2002 on the file of this Hon'ble Court.

For Petitioner : Mr. R.Rajarajan

For Respondents : Mr.K.M.D. Muhilan
Government Advocate

ORDER

The petitioner herein was a defendant in C.S.No. 67 of 2002 filed before the Original Side of this Court. The suit was filed for recovery of money. The suit was dismissed as settled out of Court by Judgment and Decree dated 10.03.2010. Pending the suit, the property of the petitioner was attached by order of the Court. On dismissal of the suit as settled, the attachment was naturally raised. The petitioner now seeks to register the said decree and if registered, it would reflect that the attachment effected with respect to the property of the petitioner herein had been raised.



2. The petitioner therefore presented the decree for registration. It was refused to be registered by the second respondent/Sub Registrar, Virugambakkam, Chennai.

3. The Sub Registrar, Virugambakkam, Chennai, probably placed reliance of Section 23 of the Registration Act, 1909. A series of Judgments had passed by this Court indicating that the period of limitation would not apply for registration of a decree even though in Section 23 the word decree is mentioned.

4. In 2019 3 MLJ 517, [S.Sarvothaman Vs. Sub-Registrar, Oulgaret] a Division Bench of this Court had held that the period of limitation of four months as stipulated under Section 23 of the Registration Act, 1909 would not apply when a decree lawfully obtained is presented for registration.

5. A mandamus is therefore directed to the second respondent to register the decree in C.S.No. 67 of 2002 document whenever presented in proper procedure by the petitioner herein and release the document after such registration provided the petitioners pays the requisite stamp duty and registration charges.

6. With the above said direction, this Writ Petition is allowed. No order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Vsg

To

1.The Inspector General of Registration
Santhome, Chennai.

2.The Sub Registrar
Office of the Sub Registrar
Virugambakkam, Chennai.

+1cc to Mr.G.Rajan, Advocate Sr No.40629

WP.No.16823 of 2019

NR (CO)
PR (01/09/2021)