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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.16849/2021

[Video Conferencing]

M.Eswaramoorthi

... Petitioner

Versus

The Sub Registrar
Office of the Sub Registrar
Avalpoonthurai,
Erode District.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to register the certified copy of the decree passed in OS.No.507/2019 dated 26.02.2020 on the file of the II Additional Subordinate Judge, Erode.

For Petitioner : Mr.K.Sathish

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondent.
- (2) This writ petition has been filed in the nature of a mandamus directing the respondent/Sub Registrar, Avalpoonthurai, Erode District to register a decree passed in OS.No.507/2019 dated 26.02.2020 by the learned II Additional Sub Judge, at Erode. The said suit had been filed seeking partition and separate possession. After due process, the suit was decreed. As a matter of fact, the parties had been referred to Lok Adalat and thereafter, a compromise had been effected among parties and a decree was passed by the said Court. The petitioner also obtained the decree engrossed in non-judicial stamp papers and thereafter, presented the decree for registration. The respondent appears to have refused to register the decree primarily on the ground of limitation. Section 23 of the



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Registration Act, 1908, had come in for interpretation on earlier occasions before this Court and it had been consistently held that the period of limitation stipulated therein, would not apply for registration of Court decrees lawfully passed. The word decree is found in Section 23, but interpretation of the Courts have made it clear that the Sub Registrar cannot refuse registration on the ground of limitation.

- (3) Let me just cite one order, viz., WP.No.9352/2015 dated 04.09.2017 [B.Vijayan Vs. The District Registrar, O/o.the District Registrar, Chennai South, Saidapet, Chennai 600 015 and Another] wherein a learned Single Judge of this Court had directed acceptance of the decree for registration and complete the registration process. In that case, a Check Slip had been issued and the learned Single Judge had set aside the said Check Slip and thereafter, had directed registration.
- (4) I would also issue a direction to the respondent herein to receive a copy of the decree in OS.No.507/2019 dated 26.02.2020, thereafter proceed for registration of the same in accordance with the procedure laid down and release a copy of the same to the petitioner herein. It is hoped that the said act would be discharged without any delay by the respondent herein.
- (5) The writ petition stands allowed accordingly. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

AP

To

The Sub Registrar
Office of the Sub Registrar
Avalpoonthurai,
Erode District.

+1cc to Mr.S. Ganesh kumar, Advocate, S.R.No.39890
+1cc to the Government Pleader, S.R.No.40776

WP.No.16849/2021

PMK (CO)
CT(03/09/2021)