



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.17191/2021

[Video Conferencing]

N.Muthusamy

... Petitioner

Versus

1.The District Registrar [Administration]
Office of the District Registrar,
1/529, Nerupuerichal
Pooluvapatti post
Tiruppur District.

2.The Sub Registrar,
Office of the Sub Registrar,
Dharapuram, Tiruppur District.

... Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of order in Na.Ka.No.99-1/2021 dated 09.07.2021 and consequential order of refusal check slip dated 09.07.2021 for Doc.No.P5/2021 passed by the 2nd respondent herein and quash the same and consequently direct the 2nd respondent to register the compromise decree dated 06.02.2020 made in OS.No.340/2019 on the file of the Sub Court, Dharapuram presented by the petitioner in Document No.P5/2021.

For Petitioner	:	Mr.S.Marisingh
For Respondents	:	Mr.Yogesh Kannadasan Government Advocate

ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondents.
- (2) The writ petition has been filed in the nature of a certiorarified mandamus seeking to interfere with the order/Refusal Check Slip in Na.Ka.No.99-1/2021 dated 09.07.2021, refusing to register the Compromise Decree dated 06.02.2020 in OS.No.340/2019 passed by the Sub Court,



Dharapuram, on the ground that the decree had been presented beyond the period of limitation as stipulated under Sections 23 & 25 of the Registration Act, 1909. The said suit was filed for partition.

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- (3) The registration of a decree actually comes under Section 23 of the Registration Act, 1909, wherein a time period of four months is given for presenting such a decree for registration. However, that particular section had come under the scrutiny of this Court and by a common order in a batch of writ petitions in WP.Nos.13167, 13191, 13352 and 13206/2021 dated 29.07.2021, a learned Single Judge of this Court had held that the period of limitation would not apply to the Court decree and would apply only when additional properties are included in the decrees. Here, that is not the case.
- (4) Therefore, a direction is issued to the 2nd respondent/Sub Registrar, to register the decree in OS.No.340/2019 dated 06.02.2020 whenever presented by the petitioner. The petitioner is directed to once again apply online for registration of the said decree and on presentation of the same, the Sub Registrar necessarily have to register the same, on payment of appropriate stamp duty and registration charges and release the document to the petitioner herein. I am confident that the Sub Registrar would do the needful without any unnecessary delay.
- (5) The writ petition stands allowed and the impugned order dated 09.07.2021 in Na.Ka.No.99-1/2021 and the consequential Refusal Check Slip dated 09.07.2021 in Doc.No.P5/2021 are set aside. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

AP

To

1.The Subordinate Court, Dharapuram
Tiruppur District

2.The District Registrar [Administration]
Office of the District Registrar,
1/529, Nerupuerichal
Pooluvapatti post
Tiruppur District.



3.The Sub Registrar,
Office of the Sub Registrar,
Dharapuram, Tiruppur District.

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+1 CC to Mr.N. Ponraj, Advocate sr 40989.
+1 CC to The Government Pleader sr 41495.

WP.No.17191/2021

PCH(CO)
SP(02/09/2021)