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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.17123/2021

[Video Conferencing]

C.V.Krishnamoorthy

...Petitioner

Versus

The Sub Registrar,
Bhavani, Erode District.

...Respondent

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus call for the records pertaining to the impugned order passed by the respondent vide Refusal Check Slip No.RTL/Bhavani/4/2021 dated 28.07.2021 refusing to register the decree dated 16.03.2020 passed in OS.No.342/2013 on the file of the learned 1st Additional Subordinate Judge, Erode, presented by the petitioner for registration pertaining to the land to the extent of 1007 sq.ft., along with the superstructure in RS.No.76/4 at Mettunasuvampalayam Village, Erode District and quash the same and consequently direct the respondent to register the above said decree dated 16.03.2020 within the time fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondent.
- (2) The petitioner had the benefit of a decree in OS.No.342/2013 passed by the learned I Additional Sub Judge at Erode, which suit has been instituted for declaration of title and for injunction. The declaration of title related to the land measuring 1007 sq.ft., with superstructure in RS.No.76/4 in Mettunasuvampalayam Village in Erode District.



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- (3) The petitioner presented the said decree which was dated 16.03.2020, for registration before the respondent/Sub Registrar, Bhavani Taluk, Erode District. The Sub Registrar had refused to entertain registration of the said decree and had informed by way of a Check Slip that the decree had been presented beyond the period of limitation as stipulated under Section 25 of the Registration Act, 1909.
- (4) 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 has 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.
- (5) Therefore, a direction is issued to the respondent/Sub Registrar, to register the decree in OS.No.342/2013 dated 16.03.2020 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.
- (6) The writ petition stands allowed and the impugned order / Check Slip dated 28.07.2021 is set aside. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

The Sub Registrar,
Bhavani, Erode District.



+1 CC to Mr.I.C.Vasudevan, Advocate, Sr.No. 41303.
+1 CC to The Government Pleader, Sr.No. 41498.

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PCH(CO)
LS(07/09/2021)