

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.19916 of 2020

Sakunthala Ammal

... Petitioner

Vs

The Joint Sub Registrar No.4
Office of Sub Registrar
Kancheepuram
Kancheepuram District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to register the common judgment of this Court made in CRP.No.450 of 2016 and CRP.No.1581 of 2017 dated 17.02.2020 on the basis of the petitioner's application dated 17.11.2020.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.B.Kannan
Government Advocate

ORDER

When the petitioner has approached the Joint Sub Registrar, Kancheepuram with his application dated 17.11.2020 to register the common judgment of this Court dated 17.02.2020 in CRP.No.450 of 2015 & CRP.No.1581 of 2017, his representation was refused stating that there is no provision under the Registration Act to register the judgment of the Court and unless there is a direction of the Court to register the judgment, the same cannot be registered. Hence, the petitioner is before this Court.

2. Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.B.Kannan, learned Government Advocate for the respondents.

3. The learned counsel for the petitioner would now contend that Section 17(1)(e) and 17(2)(iv) of the Registration Act provides for registration of a judgment of a civil Court.

4. In K.Dhayanidhi vs. State of Tamil Nadu [2020 (2) TNCJ 737 (Mad)], wherein, the Court has held, after relying on the judgment of the Division Bench of this Court in S.Sarvothaman v. The Sub Registrar at Oulgaret, Puducherry [2019(3)MLJ 517 = AIR 2019 Mad 125] that registering a decree of the Court is an optional registration and hence, the limitation prescribed under Sections 23 and 25 of the Act, would not apply.

5. The learned Special Government Pleader appearing for the respondents would submit that the Registration Act gives exception in the document and hence, the Sub-Registrar has refused to register the document.

6. The law declared by the Division Bench of this Court in S.Sarvothaman case cited supra, has settled the issue. The registration of a decree is only optional under Section 17(2) of the Registration Act, and therefore, the limitation prescribed under Section 23 of the Act, and the power to condone the delay after four months as provided under Section 25 of the Act, may not apply. There is however one exception to the rule in that, as per Section 17(2)(vi) of the Registration Act, where in a compromise decree, any properties other than the subject matter of the suit (in which compromise decree is passed) is included, then such compromise decree has to be registered under Section 17(1) of the Act. Therefore, except the category of compromise decrees as mentioned in Section 17(2)(vi) of the Registration Act, for all other categories of decrees, the Registering Authority has to register the same without reference to any limitation.

7. So far as the decree required to register in the present petition is concerned, the subject to what is herein above stated, the Registering Authority is required to register the same within a period of 8 weeks from the date of receipt of a copy of this order.

8. The petition is disposed of in the manner indicated. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

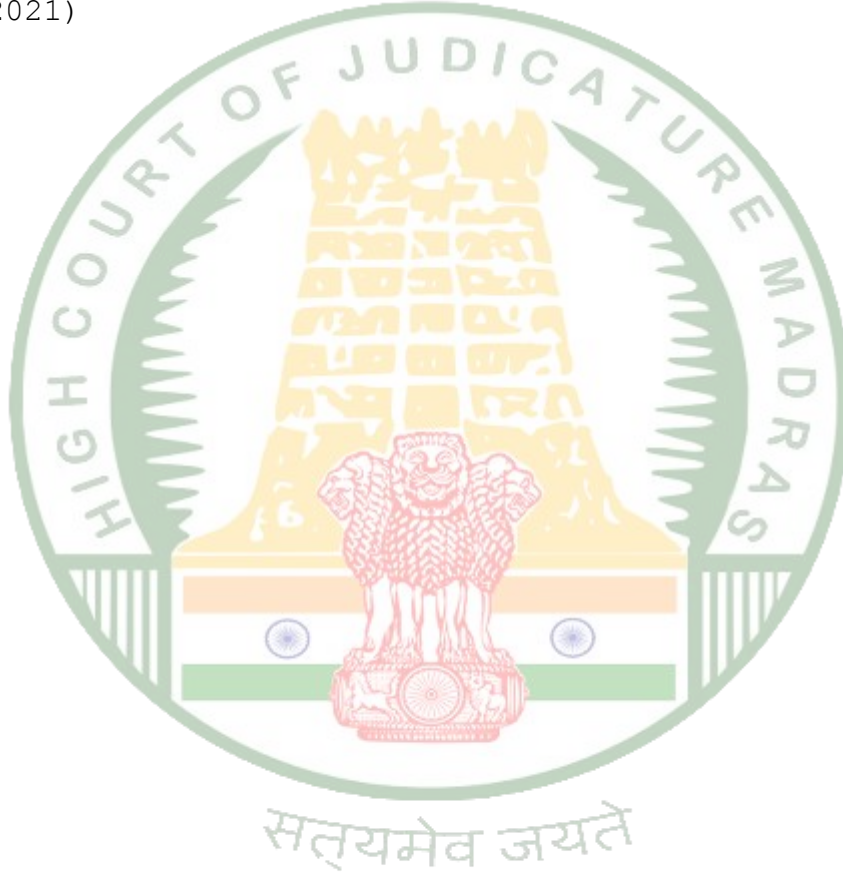
To:

The Joint Sub Registrar No.4
Office of Sub Registrar
Kancheepuram
Kancheepuram District.

+2cc to Mr.G.Jeremiah, Advocate, S.R.No.9093
+1cc to the Government Pleader, S.R.No.9181

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SKY (CO)
CB(16/04/2021)



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