



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25936 of 2021

P. Parameswaran

...Petitioner

Vs

1.The District Registrar,
Registration Department,
Coimbatore District,
Coimbatore.

2.The Sub-Registrar Joint-I,
Registration Department,
Coimbatore.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip Refusal No.RFL Joint-I Sub-Registrar, Coimbatore/7/2021 dated 26.10.2021 on the file of the 2nd respondent herein; quash the same and consequently directing the 2nd respondent herein to register the award dated 26.02.2021 passed by the Lok Adalat, Coimbatore District Legal Services Authority in Lok Adalat Case No.164/2021 in o.S.No. 171/2014.

For Petitioner : Mr.M.Marudhachalam

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip Refusal No.RFL Joint-I Sub-Registrar, Coimbatore/7/2021, dated 26.10.2021 on the file of the second respondent herein; quash the same and consequently directing the second respondent to register the award dated 26.02.2021 passed by the Lok Adalat, Coimbatore District Legal Services Authority in Lok Adalat Case No.164/2021 in o.S.No. 171/2014.



2. Heard, Mr.M.Marudhachalam, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that item No.1 of the property originally belonged to the petitioner's parents and item No.2 of the subject property belong to his mother. After demise of his parents, the petitioner, his brother and sister are entitled to have equal shares in the subject property. However, the petitioner filed a suit for partition in O.S.No.171 of 2014 on the file of the IV Additional District Judge, Coimbatore.

4. Pending suit, the petitioner and his family members entered into a compromise and accordingly, it was referred before the Lok Adalat. Before Lok Adalat, the matter has been settled in Lok Adalat Case No. 164 of 2021 dated 26.02.2021. The copy of the award was furnished to the petitioner on 21.09.2021. It was presented for registration by the petitioner before the second respondent on 26.10.2021 within a period of 35 days from the date of receipt of the award. However, the second respondent without registering the same, rejected the impugned check slip dated 26.10.2021 for the reason that it has been presented beyond the time limit of four months as contemplated under Section 23 of the Indian Registration Act.

5. The Hon'ble Supreme Court of India and this Court repeatedly held that the limitation prescribed for registration of a document does not apply to a decree, as it is a permanent record of the Court and to register the same, no limitation is prescribed. The time limit stipulated under Section 23 of the Indian Registration Act will not be applicable to the Court decree.

6. Considering the above, the impugned check slip cannot be sustained and it is liable to be set aside, accordingly, the impugned refusal check slip Refusal No.RFL Joint-I Sub-Registrar, Coimbatore/7/2021 dated 26.10.2021 on the file of the second respondent is hereby set aside. The petitioner is directed to re-present the award passed by the Lok Adalat for registration and on receipt of the same, the second respondent is directed to register and release the same forthwith.

7. In the result, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The District Registrar,
Registration Department,
Coimbatore District,
Coimbatore.

2.The Sub-Registrar Joint-I,
Registration Department,
Coimbatore.

+1cc to Mr.M.Marudhachalam, Advocate SR.No.64276

+1cc to the Government Pleader SR.No.65317

W.P.No.25936 of 2021

RSI (CO)
RVM(21/12/2021)