



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM

THE HON'BLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P.No.35047 of 2019

Selvi

.. Petitioner

Vs.

1. The District Registrar,
Namakkal District,
Namakkal.

2. The Sub-Registrar,
Paramathi Vellore,
Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records in Ref.No.RFL/Paramathi/11/2019 dated 02.12.2019 passed by the 2nd respondent and quash the same and consequently direct the respondents to register the final decree in I.A.No.1 of 2019 in O.S.No.15 of 2019 dated 09.04.2019 passed by the Sub-Court, Paramathi.

For Petitioner .. Mr.S.Venkidusamy

For Respondents .. Mr.Yogesh Kannadasan
(Govt.Advocate)

ORDER

The petitioner had the benefit of a decree passed O.S.No.15 of 2019 passed by the Sub-Court, Paramathi. The said suit had been filed for partition and separate possession. In the said suit a Compromise Petition was filed and the same was accepted after following due procedure and Compromise Decree was passed on 09.03.2019. The petitioner had also obtained the decree engrossed in non-judicial stamp papers. She had presented the same for registration before the 2nd respondent / Sub-Registrar, Paramathi Vellore. The said respondent had returned the same stating that it is beyond the period of limitation as prescribed under Section 23 of the Registration Act, 1909.

2.It has been very clearly stated in consistent orders of this Court that under Section 23 of the Registration Act, 1909,



the period of limitation will not apply, when a Court decree is presented for registration. Necessity be consistent with the earlier order compels me to grant a mandamus to the 2nd respondent.

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3. Let the petitioner apply afresh online for registration of the said decree and on that particular date, the 2nd respondent, the Sub-Registrar, Paramathi Vellore, Namakkal District, provided the decree is otherwise in order and necessary stamp duty and registration charges are also paid, has to register the same and release the document to the petitioner.

4. With the said observations, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

smv

To

1. The District Registrar,
Namakkal District,
Namakkal.

2. The Sub-Registrar,
Paramathi Vellore,
Namakkal District.

+1cc to Mr.S.Venkidusamy, Advocate Sr No.40284
+1cc to the Government Pleader Sr No.41099

W.P.No.35047 of 2019

SSD (CO)
PR (02/09/2021)