



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.6857 of 2021

WEB COPY

Velusamy

... Petitioner

vs.

The Sub Registrar,
Oddanchathiram Registrar Office,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to register the decree in A.S.No.113 of 2017, dated 27.03.2018 on the file of the Additional District Court, Palani and the O.S.No.189 of 2009, dated 16.04.2015 on the file of the District Munsif Court, Oddanchathiram within the time frame to be fixed by this Court based on the petitioner's registration online application, dated 24.03.2020 (TP/89767758/2020).

For Petitioner	:Mr.S.Karthik
For Respondent	:Mr.N.Satheeshkumar
	Additional Government Pleader

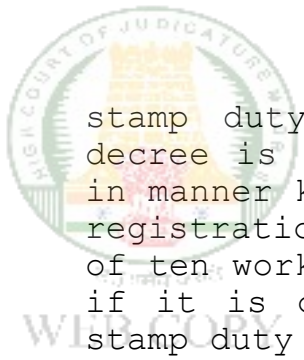
O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent/Sub Registrar, Oddanchathiram Registration Office, to register the decree in A.S.No.113 of 2017, dated 27.03.2018 passed by the Additional District Court, Palani.

2.The said decree was the follow up of an earlier judgment of the District Munsif Court, Oddanchathiram in O.S.No.189 of 2009, dated 16.04.2015. When the said decree in A.S.No.113 of 2017 was presented for registration, the respondent, placing reliance on Section 23 of the Indian Registration Act, 1908, which prescribes a time period for presentation of a Court decree for registration had refused to register the same.

3.This decision, as taken by the respondent, cannot be countenanced and has to be necessarily interfered with. The issue is no longer *res integra* and this Court has consistently held that registration of a Court decree cannot be bound down to a particular time period and that the provision under Section 23 of the Act would not be applicable in such cases.

4.A direction is therefore given to the respondent to receive the decree and if the petitioner comes forward to pay necessary
<https://hcservices.ecourts.gov.in/hcservices/>



stamp duty and registration charges, as is required and if the decree is otherwise in order, proceed further to register the same in manner known to law. The petitioner may present the document for registration on or before 07.01.2022 and thereafter, within a period of ten working days, the respondent should register the said decree, if it is otherwise in order and if the petitioner pays requisite stamp duty and registration fees.

5. With the said directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cmr

To

The Sub Registrar,
Oddanchathiram Registrar Office,
Dindigul District.

+1 CC to M/s.S.KARTHIK, Advocate (SR-39672[F] dated 21/12/2021)

+1 CC to M/s.SPL.GP (SR-39716[F] dated 21/12/2021)

Order made in
W.P. (MD) No. 6857 of 2021
20.12.2021

NA (CO)

GC (27.12.2021) 2P 4C