



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10206 of 2021

Thenammai Valliyappan

... Petitioner

Vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai.

2. The District Registrar (Administration),
District Registrar Office,
TNAU Nagar, Rajakambeeram,
Y.Othakkadai, Madurai-625 107.

3. The Sub Registrar,
Sub-Registrar Office,
Y.Othakkadai,
TNAU Nagar, Rajakambeeram,
Madurai-625 107.

4. A.Meenakshi

5. R.M.Lakshmanan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the third respondent to endorse the name of the petitioner in the entries in the register of the Sub-Registrar, Y.Othakkadai, in respect of the decree passed by the Sub Court, Melur in O.S.No.436 of 2019, dated 17.08.2020 in the property comprised in Plot No.111 at Vidathakulam Village, Madurai North Taluk in Old Survey No.5/1, Sub Division Survey No.5/1b10 and in Survey No.5/1b12 in favour of the petitioner.

For Petitioner : Ms.B.Deepa for Mr.A.R.Kannappan

For R-1 to R-3 : Mr.S.Shanmugavel
Government Advocate (Civil)

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to register the decree passed by the Sub Court, Melur in O.S.No.436 of 2019, dated 17.08.2020.



2. The learned counsel appearing for the petitioner submitted that an exparte decree was passed by the learned Sub Judge, Melur, declaring the right of the petitioner in the subject property and also further declaring that the sale deed executed in favour of the fourth and fifth respondents, is null and void and non-est. The learned counsel submitted that this decree was sought to be registered before the third respondent. However, the same has not been registered and the subsequent representation made by the petitioner also did not evoke any response. Left with no other alternative remedy, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. The learned Government Advocate (Civil) appearing for the respondents 1 to 3 would submit that the third respondent was hesitating to register the decree, since it was an exparte decree and it was not contested by the fourth and fifth respondents.

4. In the considered view of this Court, even an exparte decree is a valid decree in the eye of law. The law on this issue is now well settled. In fact, the fourth and fifth respondents had given an affidavit to the effect that the possession was not handed over to them, even though the sale deed was executed in their favour and they will not claim any right over the property and they have recognized the title of the petitioner.

5. In view of the above, there shall be a direction to the third respondent to entertain the certified copy of the decree in O.S.No.436 of 2019, dated 17.08.2020 and register the same on payment of the necessary stamp duty and registration charges. The petitioner shall also submit a sworn affidavit before the third respondent to the effect that the Judgment and Decree in O.S.No.436 of 2019 has become final and no further appeal has been preferred. This affidavit shall also be kept as part of records by the third respondent.

6. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg



NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai.

2. The District Registrar (Administration),
District Registrar Office,
TNAU Nagar, Rajakambeeram,
Y.Othakkadai, Madurai-625 107.

3. The Sub Registrar,
Sub-Registrar Office,
Y.Othakkadai,
TNAU Nagar, Rajakambeeram,
Madurai-625 107.

+1 CC to M/s.B.DEEPA, Advocate (SR-19488[F] dated 17/06/2021)

+1 CC to M/s.SPL GP (SR-19655[F] dated 18/06/2021)

Order made in
W.P. (MD) .No.10206 of 2021
Dated : 17.06.2021

ma (CO)

TR(24.06.2021) 3P 6C