



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.20416 of 2021

and

W.M.P(MD)Nos.17061 and 17063 of 2021

1.Visaka Bala Sarasu

2.Yuga Shanmuga Priya

3.Saravanakumar

... Petitioners

**Vs.**

The State represented by  
The Joint Sub Registrar-I,  
Dindigul.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to refusal number RFL-1, dated 03.09.2021 and quash the same in the light of Judgment in (2019)3 MLJ 517 and direct the respondent to register the compromise decree in O.S.No.49/2017 dated 22.08.2019 passed by the Additional District Judge, Additional District Court Dindigul.

For Petitioners : Mr.V.Jayakumar  
For Respondent : Mr.D.Gandhiraj,  
Special Government Pleader.

**ORDER**

Learned counsel for the petitioners states that the petitioners involved themselves with a partition suit in O.S.No.49 of 2017 before the District Court at Dindigul. The said suit was with respect to the properties of one Subramanian. The first petitioner is his widow, the second petitioner is his daughter and the third petitioner is his son.

2. Subsequently, wisdom dawned on them and they entered into compromise with respect to the issues and presented a compromise before the District Court at Dindigul which also recorded the same and a compromise decree was passed on 22.08.2019. The said compromise was then presented for registration before the respondent



herein on 03.09.2019. However, placing reliance on Section 24 which provides that any decree should be presented for registration within a period of four (4) months, the respondent had refused registration.

3. Heard Mr.D.Gandhiraj, learned Special Government Pleader, who took notice on behalf of the respondent.

4. The issue is no longer *res integra* as the said provision has been interpreted by a Division Bench of this Court and also by learned Single Judges who had, stated that the said provision would not apply to decrees of Court and had consistently extended the period of presentation of the Court decree for registration much beyond the period as prescribed under Section 24 of the Registration Act, 1908.

5. Those judgments are instructive for this particular case also and in this connection, let me place reliance on the judgment reported in **S.Sarvothaman Vs. The Sub Registrar (2019) 3 MLJ 571** wherein the Court had held that the Court decree is not a compulsorily registrable document and that the limitation period under the Registration Act would not get attracted for registering any decree.

6. A direction is therefore given to the respondent herein to register the said compromise decree when it is again presented before the Registrar provided the petitioners pay necessary stamp duty and registration charges and if the presentation is otherwise in order.

7. With the said observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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

The Joint Sub Registrar-I,  
Dindigul.

+1 CC to M/s.K.P. C. MOGAN, Advocate ( SR-34511[F] dated  
15/11/2021 )

+1 CC to M/s.SPL GP ( SR-34755[F] dated 17/11/2021 )

**W.P (MD) No.20416 of 2021**  
**15.11.2021**

SVN(CO)  
TR/SKN(25.11.2021) 3P 4C