



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WEB COPY

W.P (MD) No.21979 of 2021

P.Revathi

... Petitioner

Vs.

The Joint Sub Registrar,
O/o.Solavanthan Sub Registrar Office,
Solavanthan Village,
Vadipatti Taluk, Madurai.

... Respondent

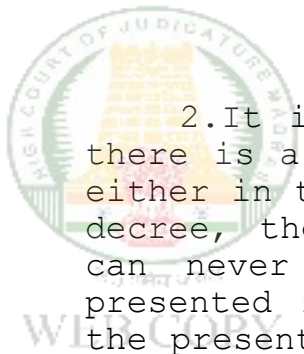
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent under his proceedings bearing number RFL/Solavanthan/30/2021 dated 18.10.2021 and quash the same as erroneous, illegal and consequently directing the respondent to register the certified copy of the Final Decree dated 02.01.2020 passed in I.A.No.397/2021 in O.S.No.1211/2010 on the file of the I Additional Subordinate Court, Madurai, on payment of registration charge alone without insisting for payment of any stamp duty and without insisting on the period of Limitation under Section 23 of the Registration Act, 1908.

For Petitioner : Mr. G.Rajasekaran
for Mr.M.Ponniah

For Respondent : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner was involved in a litigation, probably in the category of partition and separate possession in O.S.No.1211 of 2010 which was determined by the learned I Additional Sub Judge, Madurai. A preliminary decree was passed on 22.12.2011. Thereafter an application for final decree was filed on I.A.No.397 of 2012. Final Decree was passed on 02.01.2020. The petitioner then slept over the same. He made an application to get certified copy of the final decree. He had received it on 03.07.2021. Thereafter, the petitioner had presented the final decree for registration before the respondent / The Joint Sub Registrar, O/o.Solavanthan Sub Registrar Office, Solavanthan Village, Vadipatti Taluk, Madurai. The respondent had refused to register the Court decree stating that it had been brought to registration, beyond the period stipulated under Section 23 of the Registration Act.



2.It is a fact that under Section 23 of the Registration Act, there is a mention of a Court decree. However, when the decree is either in the nature of a final decree for partition or a compromise decree, then Courts have consistently held that the Sub Registrar can never refuse registration on the ground that it has been presented for registration beyond the period of three months. In the present case, it is a final decree which had been presented for registration.

3.Taking into account the earlier precedents, I would direct the respondent to take on file the document which is presented for registration, if it is otherwise in order, with regard to payment of stamp duty or any other registration fees, proceed to register the same in accordance with law, after going through the procedures if an online application is made for registration. The registration may be done within a period of 12 working days from the date of receipt of the online application. The respondent is directed to register the Court decree, again provided, it is otherwise in order.

4.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
O/o.Solavanthan Sub Registrar Office,
Solavanthan Village,
Vadipatti Taluk, Madurai.

+2 CC to M/s.M.PONNAIAH, Advocate (SR-38460[F] dated 13/12/2021)

+1 CC to M/s.SPL GP (SR-38583[F] dated 14/12/2021)

W.P (MD) No.21979 of 2021
13.12.2021

MGJ(22.12.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>