



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2022
CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.343 of 2022

T.D.Natarajan

... Petitioner

-Vs-

The Sub-Registrar,
Perundurai Sub Registrar Office,
Erode District.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Perundurai/120/2021 dated 26.11.2021 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 20.08.2019 passed in S.A.No.223 of 2016 on the file of this Court.

For Petitioner : Ms.R.Vigneswari
for Mr.M.Guruprasad

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Perundurai/120/2021 dated 26.11.2021 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 20.08.2019 passed in S.A.No.223 of 2016 on the file of this Court.

2. Heard, Ms.R.Vigneswari, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent.

3. The case of the petitioner is that a suit in O.S.No.103 of 2011 was filed by the petitioner and his son in respect of the suit properties for partition and also for declaration declaring that the settlement deed projected by the second defendant as null and void. The suit was decreed to the effect that the plaintiffs are entitled to the 1/4th share in the suit property. Aggrieved by the same, the petitioner filed an appeal suit in A.S.No.33 of 2014 and the same was partly allowed for declaration of the petitioners are entitled to 1/3rd share in the suit property.



4. The defendants in the said suit preferred the second appeal in S.A.No.223 of 2016 before this Court and this Court answered the second appeal in favour of the plaintiffs. The certified copy of the Judgment and Decree dated 20.08.2021 on the file of this Court were presented for registration on 26.11.2021. However, it was returned for the reason that the said Judgment and Decree of the second appeal does not have address of the parties and the schedule of the properties and also barred by limitation, by way of the impugned check slip dated 26.11.2021.

5. The learned Single Judge of this Court repeatedly held that though the provision under Section 23 of the Registration Act provides for a limitation, the same is only directory in nature and it is not mandatory. Therefore, the question of limitation under Section 23 of the Registration Act does not appear for the Civil Court decree.

6. In view of the above, the impugned check slip dated 26.11.2021 in refusal number RFL/Perundurai/120/2021 is liable to be set aside, accordingly, it is set aside. The petitioner is directed to re-present the Judgment and Decree dated 20.08.2021 passed by this Court for registration and on receipt of the same, the respondent is directed to register and release the same, if it is otherwise in order.

7. In the result, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Lpp
To
THE SUB-REGISTRAR,
PERUNDURAI SUB REGISTRAR OFFICE,
ERODE DISTRICT.

COPY TO:

T.D.NATARAJAN
S/O.DHEVIVASIGAMANI,
NO.260/3,BOYS HOSTEL OPP
COMPOUND KANJIKOVIL ROAD
THIRUVENGADEMAPALAYAM,
PERUNDURAI,ERODE DT.-638052.

+1 cc to Mr.M.Guruprasad, Advocate Sr.NO. 2407
+1 cc to Government Pleader Sr.NO.3010

W.P.No.343 of 2022

(CO)

A.SK(21.02.2022)