



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1481 of 2022

M.Rukmani

...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/132/2021 dated 17.12.2021 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 29.01.2020 passed in O.S.No.312 of 2015 on the file of the I Additional Subordinate Court, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondents: 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/132/2021 dated 17.12.2021 ; quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 29.01.2020 passed in O.S.No.312 of 2015 on the file of the I Additional Subordinate Court, Erode.

2.Heard, Mr.M.Guruprasad, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3.The case of the petitioner is that the petitioner filed a suit in O.S.No.177 of 2008 on the file of the District Munsif-cum-Judicial Magistrate, Perundurai and later it was transferred to the I Additional Subordinate Court, Erode and renumbered as O.S.No.312 of 2015. The suit property, comprised in R.S.No. 253/17, 19/4 & 19/11 situated at Kambiliampatti



Village, was jointly purchased by the petitioner along with one Kettimuthu. The said suit was filed for declaration and injunction. It was decreed by a Judgment and Decree dated 29.01.2020 in favour of the petitioner herein. After obtaining a certified copy of the Judgment and Decree dated 29.01.2020, the same was presented for registration on 17.12.2020. However, it was refused to register the same by the respondent for the reason that it was presented beyond the period of limitation as prescribed under Section 23 of the Registration Act.

4.It is settled in law that Section 23 of the Registration Act provides for a limitation, the same is only directory in nature and it is not mandatory and it cannot be put against the petitioner, who wants to register the Court decree. Therefore, the provision under Section 23 of the Registration Act does not apply for the Civil Court decree.

5.In view of the above, the impugned check slip in refusal number RFL/Perundurai/132/2021 dated 17.12.2021 is hereby set aside. The petitioner is directed to re-present the Judgement and Decree dated 29.01.2020 for registration before the respondent and on receipt of the same, the respondent is directed to register and release the same forthwith.

6.In the result, this writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Lpp

To

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

2. The I Additional Subordinate Judge,
Erode.

+lcc to Mr.M.Guruprasad, Advocate, S.R.No.7511

+lcc to the Government Pleader, S.R.No.7719

W.P.No.1481 of 2022

KG(CO)

RGA(25/02/2022)