



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1710 of 2022

R.Kumaran

... Petitioner

-Vs-

The Sub-Registrar,
Negamam Sub Registrar Office,
Pollachi Taluk,
Coimbatore 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/Negamam/1/2022 dated 11.01.2022 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 14.07.2015 passed in O.S.No.31 of 2014 on the file of the Principal Subordinate Judge, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Refusal Check Slip in refusal number RFL/Negamam/1/2022 dated 11.01.2022 and to quash the same as illegal and incompetent and consequently direct the respondent to register the decree dated 14.07.2015 passed in O.S.No.31 of 2014 on the file of the Principal Subordinate Judge, Erode.

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

3. The petitioner filed a suit for recovery of money in O.S.No.31 of 2014 on the file of the Principal Subordinate



Judge, Erode. The said suit was decreed in favour of the petitioner by the Judgment and Decree, dated 14.07.2015. He made a copy application and obtained a certified copy of the Judgment and Decree for registration before the respondent. The Judgment and Decree were presented for registration on 11.01.2022. However, it was refused to register the same by the impugned Check Slip for the reason that it was presented belatedly, i.e after a period of limitation as contemplated under Section 23 of the Registration Act, 1908.

4. It is a well settled law that the proviso under Section 23 of the Registration Act is only directory in nature and not mandatory in respect of the decree passed by the Court. The decree passed by the Civil Court is not compulsorily registrable document. Under Section 17(1) of the Registration Act deals with the compulsory registration of documents. Section 17(2) of the Registration Act is an exception to Section 17(1) of the Registration Act. Section 18 of the Registration Act, refers to documents for which registration is optional. Therefore, the decree or an order passed by the Civil Court will not fall under Section 17(1) of the Registration Act.

5. Therefore, a party cannot be compelled to get the document registered when there is no obligation cast upon the party to register the same. Thus, the limitation prescribed for presentation of document under Sections 23 and 25 of the Registration Act, is not applicable to Judgment and Decree presented for registration.

6. In view of the above, the impugned check slip, dated 11.01.2022 cannot be sustained as against the petitioner and it is liable to be set aside. Accordingly, the impugned check slip, dated 11.01.2022, in RFL/Negamam/1/2022 by the respondent is hereby quashed.

7. The petitioner is directed to re-present the Judgment and Decree passed in O.S.No.31 of 2014, dated 14.07.2015 on the file of the Principal Subordinate Judge, Erode and on receipt of the same, the respondent is directed to register and release the same forthwith.

8. In the result, this writ petition stands allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



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To

WEB COPY

1. The Principal Subordinate Judge,
Erode.
2. The Sub-Registrar,
Negamam Sub Registrar office,
Pollachi Taluk,
Coimbatore District.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.7512

+1cc to the Government Pleader, S.R.No.7725

W.P.No.1710 of 2022

MT[co]
NSK 08/03/2022