



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. No.20428 of 2018

M.Palani,  
S/o. M. Munuswamy

... Petitioner

Versus

1. The Sub-Registrar,  
Anna Nagar,  
Chennai.

2. C.Maragatham,  
W/o. G.Chandrasekaran

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> respondent pertaining to the order passed in Check Slip No.4 of 2014 dated 27.02.2014 and to quash the same and consequently, direct the 1<sup>st</sup> respondent register the preliminary decree passed on 21.08.2012 in O.S.No.4592 of 2007 on the file of City Civil Court, Chennai.

For Petitioner : M/s.P.Veena Suresh

For Respondents: Mr.M.R.Gokulkrishnan,  
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the 1<sup>st</sup> respondent refusing to register the preliminary decree on the ground that the decree has been filed beyond the period of eight months.

2. According to the petitioner, the 2<sup>nd</sup> respondent filed a suit for partition, wherein the petitioner was shown as 1<sup>st</sup> defendant. Earlier, in the suit in O.S.No. 4592 of 2007, on the file of City Civil Court, Chennai, preliminary decree came to be passed on 21.08.2012. To register the above decree, the petitioner presented the above preliminary decree for



registration before the 2<sup>nd</sup> respondent, and on 13.11.2013, the same was refused by the 1<sup>st</sup> respondent on the ground that the document has been filed beyond the period of eight months from the date of decree. Hence, it cannot be registered. Now, challenging the same, the present Writ Petition has been filed.

3. Ms.P.Veena Suresh, learned counsel appearing for petitioner would submit that, the 1<sup>st</sup> respondent cannot refuse to register the decree on the ground of limitation under Sec.35 of Registration Act, which is not applicable to the decree passed by the competent court and in support of his contentions, the learned counsel has relied upon number of judgments of this Court.

4. Mr. M.R. Gokulkrishnan, learned Addl. Government Pleader appearing for 1<sup>st</sup> respondent would relied upon the above provision and fairly submitted that, the 1<sup>st</sup> respondent cannot refuse to register the decree on the ground of delay.

5. Heard and considered the rival submissions made by learned counsel appearing for both sides and perused the records carefully.

6. The issue involved in this Writ Petition is no more res integra, in number of judgments, this Court has held that, the limitation prescribed under Sec. 35 of Registration Act is not applicable for the registration of decree passed by competent court. In the above circumstances, the order dated 27.02.2014 passed by the 1<sup>st</sup> respondent is set aside and the 1<sup>st</sup> respondent is directed to register the decree without reference to the limitation. Accordingly, this Writ Petition stands allowed. No costs.

Sd/-  
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

rpp

To

The Sub-Registrar,  
Anna Nagar, Chennai.

+1cc to M/s.P.Veena Suresh, Advocate SR.No.18032  
+1cc to Government Pleader SR.No.18136

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RK(CO)  
GMY(11/05/2022)