



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.26522 OF 2019

AND

W.M.P.NO.25886 OF 2019

V.E.Thiruvengadam

...Petitioner

Vs

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram,
Chennai 600 028.

2.The Sub Registrar,
Sub Registrar's Office,
Purasawalkam,
First Floor, No.93/1, Bricklin Road,
Purasawalkam,
Chennai 600 112.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to register the Decree and Judgment passed in O.S.No.5161 of 2002 and O.S.No.5820 of 2002 on the file of the VIII Assistant Judge, City Civil Court at Madras dated 02.01.2006 in the encumbrance column pertaining to the property comprised of all the house ground and premises bearing Old Door No.64, New Door No.139, Kalathiappa Street, Choolai, Chennai 600 112 comprised in Survey No.1049/4 maintained at the Sub Registry, Purasawalkam within the Registration District of Central Madras.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents to register the Decree



and Judgment passed in O.S.No.5161 of 2002 and O.S.No.5820 of 2002 on the file of the VIII Assistant Judge, City Civil Court at Madras dated 02.01.2006 in the encumbrance column pertaining to the property comprised of all the house ground and premises bearing Old Door No.64, New Door No.139, Kalathiappa Street, Choolai, Chennai 600 112 comprised in Survey No.1049/4 maintained at the Sub Registry, Purasawalkam within the Registration District of Central Madras.

2. Heard Mr.D.Ashok Kumar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The petitioner owned property bearing Old Door No.64, New Door No.139, Kalathiappa Street, Choolai, Chennai. Thereafter, he mortgaged the said property in favour of Kilpauk Benefit Fund by a simple mortgage deed, dated 04.12.1996 registered vide Document No.3775 of 1996. Thereafter, the petitioner secured a loan with one Ashok Gupta by means of a second simple mortgage deed, dated 02.02.1997, registered vide Document No.3512 of 1997.

4. Thereafter, the first mortgage was discharged and the receipt for cancellation of the mortgage deed was registered on 10.11.2000, registered vide Document No.3808 of 2000. In respect of the second mortgage, there was a dispute and as such the petitioner and his wife filed a suit in O.S.No.5161 of 2002 as against the said Ashok Gupta for declaration, declaring that the auction sale notice in respect of the subject property is null and void.

5. They also filed another suit in O.S.No.5820 of 2002 for redemption of the mortgage, dated 02.12.1997. The said second mortgager had indulged in foul play and executed a sale deed in favour of his younger brother in respect of the subject property. Both the suits were decreed in favour of the petitioner by the Judgment and Decree, dated 02.01.2006. Aggrieved by the same, there was no appeal preferred by the aggrieved parties. Thereafter, the petitioner presented the said Judgment and Decree for registration before the second respondent. However, it was refused to receive the same, on the ground that it was presented belatedly and bar on limitation.

6. It is a settled law that the provisions as per Section 23 of the Registration Act, says that the copy of the decree may be presented within four months from the date of Judgment and Decree or order was made or where it is appealable, within four months from the day, on which, it becomes final. The said limitation prescribed under Section 23 of the Registration Act, should be read with in consonance with Section 25 of the Act and



that since they were only directory in nature. Therefore, the limitation as prescribed under Section 23 of the Registration Act will not apply to the Court decree.

7. In view of the above, the petitioner is directed to represent the Judgment and Decree passed in O.S.No.5161 of 2002 and O.S.No.5820 of 2002 on the file of the VIII Assistant Judge, City Civil Court at Madras, dated 02.01.2006 for registration before the second respondent. On receipt of the same, the second respondent is directed to register and release the same, if it is otherwise in order.

8. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram, Chennai 600 028.

2.The Sub Registrar,
Sub Registrar's Office,
Purasawalkam, First Floor,
No.93/1, Bricklin Road,
Purasawalkam, Chennai 600 112.

Copy To

The VIII Assistant Judge,
City Civil Court, Madras.

+1cc to Mr.D.Ashok Kumar, Advocate Sr.No.6504
+1cc to the Government Pleader Sr.No.7410

W.P.No.26522 of 2019
and W.M.P.No.25886 of 2019

MG(CO)
RVM(25/02/2022)