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W.P.No.30269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.30269 of 2022

Rajan Dhanasingh

... Petitioner

Vs.

The Sub-Registrar,
Office of Sub-Registration at Adyar,
No.91, III Floor, Perumal Koil Street,
Kottupuram, Chennai – 600 055.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to register the final decree dated 16.07.2003 passed in O.S.No.6039 of 1990 by the Hon'ble I Assistant City Civil Court at Chennai.

For Petitioner : Mr.G.Rajkumar

For Respondent : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking for issuance of Writ of Mandamus directing the respondent to register the final decree dated 16.07.2003 passed in O.S.No.6039 of 1990 by the Hon'ble I Assistant City

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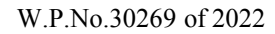
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Civil Court at Chennai.

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2. At the consent of both the parties, this writ petition is taken up for final disposal at the time of admission stage itself.

3. The case of the petitioner is that the property situated at No.70, Damodarapuram Main Road, Adyar, Chennai – 600 020 was originally belonged to petitioner's great grandfather and after his demise, the said property was inherited by his two sons viz., Mr.Murugesan and Mr.Ayyakannu. After the demise of both Murugesan and Ayyakannu, the said property was devolved on the legal heirs of both of them. Thereafter, the petitioner's father and other legal heirs filed an original suit in O.S.No.6039 of 1990 before the I Assistant City Civil Court at Chennai, seeking partition of the said property and the same was decreed on 05.03.1992 and a final decree was passed on 16.07.2003. This being so, the petitioner's father, who was the plaintiff in the above suit, died intestate and did not obtain the certified copy of the final decree dated 16.07.2003. Being one of the legal heirs, the petitioner presented the said decree for registration before the respondent on 17.10.2022, however, the respondent refused to register the same on the ground that the



4. Learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the respondent to register the final decree dated 16.07.2003 presented by the petitioner within a time frame to be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondent submitted that the final decree dated 16.07.2003 presented by the petitioner will be entertained and appropriate orders will be passed without referring any delay.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Taking into the factual aspects, without going into the merits of the case, this Court is inclined to give direction to the respondent to entertain the final decree dated 16.07.2003 passed in O.S.No.6039 of 1990 by the Hon'ble I



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Assistant City Civil Court, Chennai, within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

15.11.2022

vm

Index : Yes/No

Speaking Order : Yes/No

To:

The Sub-Registrar,
Office of Sub-Registration at Adyar,
No.91, III Floor, Perumal Koil Street,
Kottupuram, Chennai – 600 055.



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M.DHANDAPANI,J.

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