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W.P.No.30199 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.30199 of 2022

Gowsalya

...Petitioner

Versus

1.The Sub Registrar,
Velakovil,
Tiruppur District.

2.Sakthivel

3.Buvaneshwari

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the first respondent in relates to refusal number RFL/Velakovil/64/2022 dated 23.09.2022 and quash the same in the light of judgment in 2019 3 MLJ 517 and direct the first respondent to register the Lok Adalat award in Case No.227/2021 07.08.2021.

For Petitioner : Mr.J.Franklin

For Respondent - 1 : Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

Mr.E.Vijay Anand, learned Additional Government Pleader takes notice for the first respondent. With the consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. The reliefs sought in this writ petition are to call for the records of the first respondent in relates to refusal number RFL/Velakovil/64/2022 dated 23.09.2022 and quash the same, in the light of judgment in (2019) 3 MLJ 517 and direct the first respondent to register the Lok Adalat award in Case No.227/2021 dated 07.08.2021.

3. The case of the petitioner is that she and the respondents 2 & 3 have purchased a property in Survey No.281/3C measuring to an extent of 0.23 ½ acres from one Rajkumar on 29.01.2021. The second respondent asked the other co-sharers viz., petitioner and third respondent for amicable partition, however, they denied the same. Hence, the second respondent has filed a suit for partition. While the said suit is pending, the matter was



referred to Lok Adalat. Before the Lok Adalat, the matter has been amicably settled and a Joint Settlement Memo was also filed, in which, 'A' Schedule Property was allotted to the petitioner, 'B' Schedule Property was allotted to the second respondent and 'C' Schedule Property was allotted to the third respondent. Based on the said Joint Settlement Memo, the Lok Adalat has passed an award in Case No.277 of 2021 on 07.08.2021. Thereafter, when the petitioner presented the Lok Adalat award/decreed and other related documents for registration, the same was rejected by the first respondent vide Refusal Number RFL/Velakovil/64/2022 dated 23.09.2022 on the ground that the said award is barred by limitation. Aggrieved over the same, the petitioner has filed the present writ petition before this Court for the relief stated *supra*.

4. The learned counsel for the petitioner contended that no time limit is prescribed in the Registration Act 1908 (hereinafter referred to as 'Act') with regard to registration of Court decree. Therefore, citing delay in presenting the Court decree/award as reason for not registering the same is not sustainable. In support of his contention, he placed reliance on the decision of this Court in the case of ***S.Lingeswaran vs. The Sub Registrar***



in W.P.No.9577 of 2021 dated 23.04.2021, wherein, following the earlier judgments of the Division Bench of this Court reported in **2007 (2) TCJ 68 (A.K.Gnanasankar vs. Joint – II Sub Registrar, Cuddalore)** and **2019 (3) MLJ 571 (S.Sarvothaman vs. The Sub-Registrar, Oulgarpet)**, it was held that a Court decree is not a compulsorily registrable document and the option lies with the party and in such circumstances, the law laid down by this Court clearly states that the limitation prescribed under the Act would not stand attracted. The relevant portion of the order passed by this Court in **Lingeswaran's case** is usefully extracted hereunder:

“6. A Full Bench of the Andhra Pradesh High Court in Padala Satyanarayana Murthy Vs. Padala Gangamma, reported in AIR 1959 AP 626, has held that a decree/order passed by a competent Court is not compulsorily registrable document and the party cannot be compelled to get the document registered when there is no obligation cast upon him to register the same. Subsequently, a Division Bench of this Court in A.K.Gnanasankar Vs. Joint-II Sub Registrar, Cuddalore reported in 2007 (2) TCJ 68, has held that, a decree is a permanent record of Court and the limitation prescribed for presentation of the document under [Sections 23 and 25](#) of the Registration Act, is not applicable to a decree presented for registration.

7. The above judgments have been followed in number of judgments of this Court and recently another Division Bench of this



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Court in S.Sarvothaman Vs. The Sub-Registrar, Oulgaret reported in (2019) 3 MLJ 571 has held that, as the Court decree is not a compulsorily registerable document and the limitation prescribed under the [Registration Act](#) would not stand attracted for registering any decree. The relevant portion of the judgment reads as follows:

"21. By applying the decision in the case of Padala Satyanarayana Murthy to the facts of the case, the only conclusion that could be arrived at is that a court decree is not compulsorily registerable and that the option lies with the party. In such circumstances, the law laid down by this Court clearly states that the limitation prescribed under the Act would not stand attracted."

8. The above judgment was followed in Anitha Vs. The Inspector of Registration in W.P.No.24857 of 2014 dated 01.03.2021, wherein it is held that the Registrar cannot refuse registration of a Court decree on the ground of limitation.

9. In view of the above settled position of law, the respondent Sub Registrar cannot refuse to register the decree on the ground that it is presented beyond the period prescribed under [Section 23](#) of the Registration Act. In such circumstances, the impugned refusal check slip issued by the respondent is not sustainable and it is liable to be set aside. Accordingly, the writ petition is allowed and the impugned order passed by the respondent is set aside and the respondent is directed to register the decree, if it is otherwise in order. No costs."



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5. The learned Additional Government Pleader appearing for the respondent submitted that the first respondent has refused to register the award passed by the Lok Adalat in Case No.277 of 2021 dated 07.08.2021 on the ground that the same has not been presented within the time limit as prescribed under Section 23 and Section 24 of the Act.

6. Since no adverse order is being passed against the respondents 2 & 3, notice to the respondents 2 & 3 is dispensed with.

7. Heard the learned counsel on either side and perused the materials placed before this Court.

8. It is not in dispute that the petitioner is in possession of Lok Adalat award/decreed. The issue involved in the present case is that when the petitioner presented the award/decreed passed by the Lok Adalat for registration, the same was not entertained by citing delay in submission. It is to be pointed out that this Court in a catena of decisions had held that the Registrar cannot refuse registration of a Court Decree on the ground of



limitation. That being the case, the facts in the present case are identical to ***Lingeswaran's case*** and the ratio laid therein stands squarely applicable to the case on hand. Therefore, the rejection order passed by the first respondent is wholly in contravention of the order passed in ***Lingeswaran's case (supra)***.

9. Considering the facts and circumstances of the case and also, following the decision in the case of ***S.Lingeswaran vs. The Sub Registrar in W.P.No.9577 of 2021 dated 23.04.2021*** cited *supra*, this writ petition is allowed and the proceedings issued by the first respondent in Refusal Number RFL/Velakovil/64/2022 dated 23.09.2022 is set aside. The matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to entertain the award passed by the Lok Adalat in Case No.277 of 2021 dated 07.08.2021, without referring the delay. No costs.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

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Copy to

The Sub Registrar,
Velakovil,
Tiruppur District.

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