



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1023 of 2022

S.Petchiammal

... Petitioner

vs.

The Sub Registrar,
Melaneelithanallur,
Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned Refusal Check Slip issued by the respondent in Refusal No:RFL/Melaneelithanallur/21/2021, dated 24.11.2021 and quash the same as illegal and consequently direct the respondent to register the decree in O.S.No.419 of 1997 on the file of the Principal District Munsif Court, Sankarankovil, dated 31.07.2001 submitted by the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

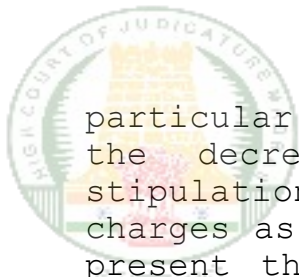
For Respondent : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

Heard Mr.R.J.Karthick, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader, who had taken notice on behalf of the sole respondent.

2.I would not find fault with the respondent/Sub-Registrar for having refused to register a decree in O.S.No.419 of 1997 passed by the Principal District Munsif Court, Sankarankovil, dated 31.07.2001, placing reliance on Section 23 of the Indian Registration Act, 1908. The said provision, stipulates an outer limit of four months before which, a Court decree should be presented for registration. But, coming to the aid of the petitioner, one decision of a Division Bench and also learned Single Judges of this Court who have passed several orders, wherein, it had been stated that a Court decree should not be subjected to any limit within which it should be presented for registration and if the factum of decree is established, then, the Sub-Registrar should proceed further to register the same.

3.Let the petitioner given an undertaking that no further appeals have been filed, pursuant to the decree and that no further proceedings or appeal or suit is also pending. Let him give that



particular undertaking. If that is done, the respondent may take up the decree for registration provided it confirms to other stipulations of payment of necessary stamp fees and registration charges as is normally levied in such cases. The petitioner may represent the decree for registration within a period of two weeks from the date of receipt of a copy of this order and thereafter, within ten working days, the registration process should be completed.

4. With the above said observations, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal District Munsif,
Sankarankovil

2. The Sub Registrar,
Melaneelithanallur,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-2395[F] dated 25/01/2022)

W.P.(MD) No.1023 of 2022
24.01.2022

MGJ(14.02.2022) 2P 4C