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W.P.(MD)NO.13695 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13695 of 2022

Anjalidevi

... Petitioner

Vs.

1. The Sub Registrar (Registration),
Samimalai, Kumbakonam,
Thanjavur District.

2. Rajmohan

(R-2 is impleaded vide Order dated 01.08.2022
in W.M.P.(MD)No.11773 of 2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the proceedings in RFL/Swamimalai/22/2022 dated 10.06.2022 on the file of the first respondent and set aside the same as illegal, incompetent and without jurisdiction and consequently direct the respondent to register the Judgment and Decree in O.S.No.65 of 2010 on the file of the Principal Sub Court, Kumbakonam dated 08.06.2017.

For Petitioner : Mr.H.Lakshmi Shankar

For R-1 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R-2 : Mr.C.Ezhilarasu

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ORDER

Heard the learned counsel on either side.

2. The writ petitioner filed O.S.No.65 of 2010 before the Principal Sub Court, Kumbakonam, seeking certain reliefs. The suit was decreed on 08.06.2017. The same was presented for registration before the registering authority. The registering authority declined to register the judgment and decree on the ground that it has been presented beyond the limitation period. It has been held in many cases that the registering authority cannot refuse to register the judgment and decree on the ground that it has been belatedly presented. The Hon'ble Division Bench in the decision reported in **(2019) 3 MLJ 517 (S.Sarvothaman V. Sub Registrar, Oulgaret)** held that the limitation prescribed under Section 23 of the Registration Act would not get attracted.

3. Therefore, the impugned refusal check slip is quashed. The registering authority is directed to register the



petition mentioned judgment and decree subject to fulfilment of the usual formalities. It is needless to mention that the impleaded respondent would state that the appeal had been filed questioning the said judgment and decree. It is still pending at the condone delay stage. If the petition mentioned judgment and decree are set aside and the appeal filed by the impleaded respondent is allowed, then certainly the said judgment and decree to be passed by the first appellate Court can also be registered. This writ petition stands allowed. No costs.

01.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Sub Registrar (Registration),
Samimalai, Kumbakonam,
Thanjavur District.



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G.R.SWAMINATHAN,J.

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