



WEB COPY



W.P.No.6899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6899 of 2023

A.Nataraj

...Petitioner

Vs

The Sub-Registrar,
Joint No.II Sub Registrar Office,
Erode District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated 06.02.2023 made in refusal check slip reference No.Ref.No.RFL/Joint No.1, Sub Registrar, Erode/12/2023 refusing to register the order in O.S.NO.540 of 2020 dated 18.12.2020 passed by the learned I Additional Subordinate Judge, Erode and to quash the same and consequently direct the respondent to register the said order and to return the documents on its registration forthwith.

For Petitioner : Mr.M.Vignesh



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for Mr.C.S.Saravanan

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. When the petitioner herein sought for registration of a decree passed in O.S.No.540 of 2020, dated 18.12.2020, on the file of the learned I Additional Subordinate Judge, Erode, the registration was refused through the impugned check slip, by placing reliance on Section 25 of the Registration Act [hereinafter referred to as 'the Act'], by stating that such a document ought to have been presented before four months from the decree.

3. The issue as to whether the limitation provided under Section 25 of the Act can be applied to a Civil Court decree has come up for consideration in a batch of writ petitions in the case of ***Sathiyamoorthy Vs. The Sub Registrar, Sub Registrar Office, Pochampalli, Krishnagiri***



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District passed in **W.P.No.33616 of 2020, etc.**, whereby it was held that the limitation under Section 25 of the Act will not be applicable to Court decrees/judgments/orders, presented for registration.

4. In view of the law laid down by this Court in *Sathiyamoorthy's case (supra)*, the reason assigned by the respondent for refusing the registration cannot be sustained.

5. In the light of the above findings, the impugned order dated 06.02.2023 is quashed. Consequently, there shall be a direction to the respondent herein to accept the decree in O.S.No.540 of 2020 on the file of the learned I Additional Subordinate Judge, Erode and register and return the same forthwith, if it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands allowed. No costs.

21.03.2023

Index: Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

hvk

To

The Sub-Registrar,
Joint No.II Sub Registrar Office,
Erode District.

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21.03.2023