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W.P.No.24051 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24051 of 2023

Tmt.J.Mary

... Petitioner

Vs.

1. The Inspector General of Registration
O/o. Registration Department,
Santhome High Road,
Chennai – 600 004.

2. The Sub-Registrar,
District Registrar Cadre,
Anna Nagar, Sub-Registrar Office,
Nolambur, Chennai – 600 037.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 22.06.2023 and 06.07.2023 requesting to register the Judgment and Decree dated 07.10.2010 passed O.S.No.3846 of 2009 on the file of II Assistant City Civil Court, Chennai, in respect of Judgment and decree mentioned property, within the time frame to be fixed by this Hon'ble Court.



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For Petitioner : Mr.G.Krishnamurthy

For Respondents : Mr.D.Ravichander,
Special Government Pleader

ORDER

The relief sought for in the present Writ Petition is direct the respondents to consider the petitioner's claim to register the Judgment and decree dated 07.10.2010 passed in O.S.No. 3846 of 2009 on the file of II Assistant City Civil Court, Chennai.

2. The petitioner states that she is the decree holder in O.S.No. 3846 of 2009 dated 07.10.2010. The petitioner presented the decree for registration and the second respondent refused to register on the ground that the decree was not presented within the period of limitation and there was a delay.

3. Section 23 of the registration Act stipulates the time limit for presenting the documents. Further, the Hon'ble Division Bench of this Court in the case of ***S.Sarvothaman -vs- The Sub-Registrar, Pondicherry*** reported in [(2019) 2 CWC 314] held as follows:-



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*“ 14. This question is no longer res integra and this Court has consistently held that the law of limitation will not apply when a court decree is presented for registration. Earliest of the decisions, which has been followed consistently by a Division Bench of this Court is in the case of **A.K. Gnanasankar Vs Joint-II Sub-Registrar, Cuddalore-2** [reported in 2007 (2) TCJ 68]. In the said decision, this Court held that the limitation prescribed for presenting a document does not apply to a decree, as it is a permanent record of the court and to register the same, no limitation is prescribed.”*

4. In view of the judgment of the Hon'ble Division Bench cited supra, the decree presented by the petitioner is to be registered by following the procedures contemplated under the Registration Act.

5. Accordingly the respondents are directed to register the Judgment and decree presented by the petitioner for registration by following the



procedures as contemplated under the provisions of the Act and complete the said exercise within the period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed. No costs.

16.08.2023

ns1/skr

Index : Yes

Speaking order

To

1. The Inspector General of Registration
O/o. Registration Department,
Santhome High Road,
Chennai – 600 004.
2. The Sub-Registrar,
District Registrar Cadre,
Anna Nagar, Sub-Registrar Office,
Nolambur, Chennai – 600 037.



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S.M.SUBRAMANIAM, J.

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