



WEB COPY

W.P.No.2687



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26877 of 2023

M.Loganathan

... Petitioner

Vs.

The Sub-Registrar

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned return Check Slip dated 19.07.2023, under the proceedings in Aa.Ti.Mu.No.354/2023, made in RFL/Thadhagapatti/40/ 2023 on the file of the respondent herein, quash the same and consequently direct the respondent herein to register the Decree in O.S.No.125/2020 on the file of the IV Additional District Munsif Court, Salem presented under TP No.155973365/2023.

For Petitioner : Mr.V.Rajesh

For Respondent : Mr.E.Sundaram,
Government Advocate

ORDER

The order of refusal issued by the Sub-Registrar, Thadhagapatti, Salem District in Proceedings dated 19.07.2023 is under challenge in the present Writ Petition.



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2. The petitioner states that the petitioner along with other legal heirs have filed a Civil Suit in O.S.No.125 of 2020 on the file of the IV Additional District Munsif Court, Salem for declaration and the Suit was decreed *ex-parte* on 23.04.2023. The petitioner presented the decree for registration, which was returned by the respondent on the ground that *ex-parte* decree cannot be registered.

3. There is no prohibition to register an *ex-parte* decree under the provisions of the Registration Act. If at all the *ex-parte* decree was set aside subsequently and a judgment and decree was thereafter passed, the same also may be registered, if presented for registration. Therefore, as on today, the *ex-parte* decree is a decree in the eye of law and there is no impediment for registering the same.

4. In view of the facts and circumstances, the order impugned dated 19.07.2023 passed in the proceedings in Aa.Ti.Mu.No.354/2023, made in RFL/Thadhagapatti/40/ 2023 on the file of the respondent is quashed and the respondent is directed to proceed with the registration by following the procedures as contemplated and complete the same within a period of four (4) weeks from the date of receipt of a copy of this order.



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5. Accordingly, the Writ Petition stands allowed. No costs.

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skr

Index : Yes

Speaking order

To

The Sub-Registrar,
Thadhagapatti,
Salem District.



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S.M.SUBRAMANIAM, J.

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