



W.P(MD)No.3729 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3729 of 2023

and

W.M.P.(MD)No.3513 of 2023

Chellammal

... Petitioner

Vs.

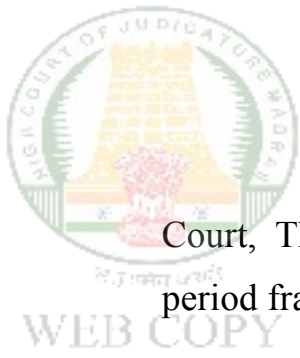
1.The District Collector,
Collectorate Buildings,
Thoothukudi District,
Thoothukudi.

2.The District Registrar,
Thoothukudi Registration,
Thoothukudi.

3.The Sub Registrar,
Kadampur Sub Registrar Office,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 13.07.2022 in Na.Ka.No. 78/2022 passed by the third respondent and quash the same as illegal and consequently, direct the third respondent to register the Judgment and Decree passed in O.S.No.85 of 2010, dated 22.02.2017 by the first Additional District



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Court, Thoothukudi on the file of the third respondent within a stipulated period framed by this Court.

For Petitioner : Mr.J.David Ganesan
For Respondents : Mr.S.Shanmugavel
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.All that the petitioner wants the registration of the petition mentioned final decree. When it was presented for registration, the third respondent declined to register the same on the ground that it is barred by limitation. The third respondent places reliance on Section 23 of the Registration Act. Questioning the same, the present writ petition has been filed.

3.As rightly pointed out by the learned counsel for the petitioner, the issue is no longer res integra. The Hon'ble Division Bench in W.A.No.336 of 2019 dated 07.02.2019 held that the time limit stipulated under Section 23 of the Registration Act will have no application to a court decree.



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4. In that view of the matter, the impugned refusal slip is quashed. The petitioner is permitted to re-present the petition mentioned final decree. The third respondent will receive the same and register it subject to fulfilment of usual formalities. Only standard stamp duty is payable. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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