



W.P(MD)No.3927 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.3927 of 2023

L.Jeganathan

... Petitioner

Vs.

The Sub Registrar,
Sankarankovil,
Tenkasi District.

... Respondent

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 of the impugned refusal check slip issued by the respondent in Refusal No.RFL/Sankarankovil/2/2023, dated 09.02.2023 and quash the same as illegal and consequently, direct the respondent to register the decree in O.S.No.11 of 2013 on the file of the Additional District Munsif Court, Sankarankovil, dated 26.03.2014 submitted by the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.RJ.Karthick

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

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Heard the learned counsel on either side.

2.All that the petitioner wants is the registration of the petition mentioned final decree. When it was presented for registration, the respondent declined to register the same on the ground that it is barred by limitation. The 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.

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 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.

27.02.2023

Index : Yes / No
Internet : Yes/ No
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To
The Sub Registrar,
Sankarankovil,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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