



W.P.(MD)No.4478 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.4478 of 2023

P.Ganesn

... Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
Periyakulam, Theni.

2.The Sub Registrar,
Office of Sub Registrar, Theni,
Theni District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents herein to register the certified copy of the decree dated 07.12.2004 made in OS No.106 of 2004 on the file of District Munsif Court, Periyakulam, and as per the order dated 09.12.2022 made in WP (MD) No.33186 of 2022 on the file of Honble Principal Seat of this Honble Court, within a reasonable time as may be fixed by this Court.



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For Petitioner : Mr.K.Appadurai

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to direct the second respondent to register the petition mentioned decree. It is well settled that there is no limitation for registering Court judgments and decrees. However, the learned Government Advocate expressed certain apprehensions. He relied on the order dated 27.07.2016 made in W.P.(MD)No.5955 of 2014. This Court had held that only judicial orders that have attained finality can be registered.

3. It is therefore open to the second respondent to satisfy himself that the ex-party decree has not been set aside. It is the duty of the petitioner to satisfy the second respondent that the *ex-parte* decree which he seeks to be



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registered has become final. The second respondent cannot refuse registration on the sole ground that it is an ex-parte decree.

4. With this clarification, this writ petition is disposed of.

03.03.2023

NCC : Yes/No

Index: Yes/No

Internet: Yes

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To

1. The District Registrar,
Office of the District Registrar,
Periyakulam, Theni.

2. The Sub Registrar,
Office of Sub Registrar, Theni,
Theni District.



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G.R.SWAMINATHAN, J.

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