



W.P.(MD) No.23018 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23018 of 2021

Samsutheen

.. Petitioner

Vs.

The Sub Registrar,
Pettai Sub Registrar Office,
Pettai, Tirunelveli.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceedings in RFL/Pettai/59/2021 dated 28.09.2021 and quash the same and further directing the respondent to register the judgment and decree passed in O.S.No.139/1996 on the file of 2nd Additional District Munsif, Tirunelveli dated 26.11.2009 presented by the writ petitioner.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.M.Prakash
Additional Government Pleader



W.P.(MD) No.23018 of 2021

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ORDER

The petitioner has filed this writ petition for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceedings in RFL/Pettai/59/2021, dated 28.09.2021 and quash the same and further directing the respondent to register the judgment and decree passed in O.S.No.139/1996 on the file of 2nd Additional District Munsif, Tirunelveli, dated 26.11.2009 presented by the writ petitioner.

2. The grievance of the petitioner is that the judgment and decree passed in the suit for partition when presented for registration was refused to be registered.

3. The same issue has been considered by this Court in W.P.(MD) No.19062 of 2020 dated 19.02.2021 wherein, this Court had considered an earlier judgment of a Division Bench of this Court which has held that Section 23 of the Registration Act will not be applicable to a decree



W.P.(MD) No.23018 of 2021

passed by a civil Court, since the law of limitation is not applicable in the case of a Court decree presented for registration. The learned Judge has ultimately allowed the writ petition and directed the third respondent therein to register the judgment and decree, which was the subject matter in that writ petition.

4. Following the same, this Writ Petition is allowed. The respondent is directed to register the judgment and decree passed in O.S.No.139 of 1996 on the file of the 2nd Additional District Munsif, Tirunelveli dated 26.11.2009 within a period of two weeks from the date of receipt of a copy of this order. No costs.

19.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

To

The Sub Registrar,
Pettai Sub Registrar Office,
Pettai, Tirunelveli.



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W.P.(MD) No.23018 of 2021

P.T.ASHA, J.

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