



W.P.(MD)No.28368 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28368 of 2022

Vanjiappan

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar,
Kallimandayam, Dindigul District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in No.RFL/Kallimandayam/41/2022 dated 05.12.2022 and quash the same and consequently direct the respondent herein to register the certified copy of the compromise decree and judgment dated 26.04.2019 in S.A(MD).No.764 of 2011 on the file of this Court.

For Petitioner : Mr.V.S.Kumaraguru
For Respondent : Mr.N.Satheeskumar
Additional Government Pleader



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ORDER

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2. The petitioner presented the petition mentioned judgment and decree for registration. Since it was filed after lapse of two months, the respondent declined to entertain the petitioner's request. Challenging the stand of the respondent, the present writ petition has been filed.

3. The issue raised in the writ petition is no longer *res-integra*. The Hon'ble Division Bench vide order dated 07.02.2019 in W.A.No.336 of 2019 had held that the time limit stipulated under Sections 23 and 25 of the Registration Act, 1908 will have no application to a Court decree. I entertained a doubt if whether this principle can be applied even to compromise decree.

4. The learned Additional Government Pleader appearing for the respondent draws my attention to the decision reported in **(2012) 2 SCC 51 (K.N. Govindan Kutty Menon Vs. C.D. Shaji)** . The Hon'ble Supreme Court in the said decision held as follows:



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“26.From the above discussion, the following propositions emerge:

(i)In view of the unambiguous language of Section 21 of the Act, every award of the Lok Adalat shall be deemed to be a decree of a civil court and as such it is executable by that Court.

(ii)The Act does not make out any such distinction between the reference made by a civil court and a criminal court.

(iii)There is no restriction on the power of the Lok Adalat to pass an award based on the compromise arrived at between the parties in respect of cases referred to by various courts (both civil and criminal), tribunals, Family Court, Rent Control Court, Consumer Redressal Forum, Motor Accidents Claims Tribunal and other forums of similar nature.

(iv)Even if a matter is referred by a criminal court under Section 38 of the Negotiable Instruments Act, 1881 and by virtue of the deeming provisions, the award passed by the Lok Adalat based on a compromise has to be treated as a decree capable of execution by a civil court. “

5. The Hon'ble Supreme Court had held that in view of the unambiguous language of Section 21 of the Legal Services Authorities Act, 1987, every award of the lok adalat shall be deemed to be a decree of the Civil Court and as such, it is executable by that Court. The Inspector



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General of Registration has also issued in Circular No:10371/E1/2012, dated 24.05.2012 stating that lok adalat award can also be registered.

6. In this view of the matter, the order impugned in this writ petition is set aside and the petitioner is permitted to re-present the document. The respondent will receive the same, register it and release it subject to the fulfilment of the other usual formalities.

7. It is true that the petition mentioned second appeal was concluded in a mediation. The second appeal that was settled through mediation is also entitled to the very same treatment extendable to a lok adalat award.

8. The Writ Petition is allowed accordingly. No costs.

09.01.2023

NCC : Yes / No
Index : Yes / No
Rmk



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To

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- 1.The Inspector General of Registration,
100, Santhome High Road,
Chennai -28.
- 2.The District Registrar,
District Registration Office,
Palayamkottai, Tirunelveli-2.
- 3.The Sub-Registrar,
Melapalayam Sub-Registrar Office,
Tirunelveli District.



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G.R.SWAMINATHAN,J.

Rmk

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