



WEB COPY

W.P. No.3388 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3388 of 2024

Evangeline Radhika

... Petitioner

Vs.

1. The Sub Registrar
Joint Sub Registrar 1,
Chennai Central
Chennai - 600 014

2. J.Sangeetha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider and dispose of the petitioner representation dated 19.12.2023 to mutate the entry of judgement and decree in O.S.No.3751/2021 on the file of XI Assistant Judge, City Civil Court, Chennai dated 19.07.2023 in accordance with law.

For Petitioner : Mr.G.V.Sridharan

For R1 : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondent to consider and dispose of the petitioner representation dated 19.12.2023 to mutate the entry of judgement and decree



in O.S.No.3751/2021 on the file of XI Assistant Judge, City Civil Court, Chennai dated 19.07.2023 in accordance with law.

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2. The contention of the petitioner is that he got a decree in his favour passed by the XI Assistant Judge, City Civil Court, Chennai, in O.S.No.3751/2021 dated 19.07.2023 and when he approached the 1st respondent to mutate the entry of the said judgment and decree, the respondent did not show any positive reply. Hence, the petitioner made a representation dated 19.12.2023. However, there was no response. Hence, the present Writ Petition is filed.

3. M. U.Baraniidharan, learned Additional Government Pleader takes notice for the 1st respondent. Since there is no adverse order being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. It is seen from the records that a competent Civil Court has passed the decree dated 19.07.2023 in O.S.No.3751 of 2021. When a person presents a decree passed by a competent Court, it is for the respondent to register the same if the decree was presented in the manner known to law. According to the learned counsel for the petitioner, the respondent is prolonging the registration for which, the learned Additional Government Pleader appearing for the 1st respondent submits that enquiry has to be conducted. It is made



clear that the Registrar has no business to conduct enquiry to validate/testify the decree which was passed by the competent Civil Court. Any decree or order passed by the Court has to be registered under Section 17(2)(vi) of the Registration Act compulsorily. If the document presented before the Registrar is otherwise in order, the Registrar has no other option except to register the same and he cannot sit over the arm chair of the appellate Court and testify the Judgment and decree passed by the Civil Court. Therefore, the attitude of the 1st respondent is highly deprecated.

5. The petitioner is directed to present the decree dated 19.07.2023 passed by the XI Assistant Judge, City Civil Court, Chennai, in O.S.No.3751 of 2021 in the manner known to law as per the Registration Rules if already not presented in the manner known to law and the 1st respondent is directed to register the said decree if the same is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

14.02.2024

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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The Sub Registrar
Joint Sub Registrar 1,
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Chennai - 600 014

W.P. No.3388 of 20





WEB COPY

W.P. No.3388 of 2024



P.VELMURUGAN. J.

Ksa-2

W.P. No.3388 of 2024

14.02.2024