



W.P.No.5848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 5848 of 2024

Gnanavadivu

... Petitioner

versus

The Sub-Registrar,
Vadalur,
Kurinjipadi Taluk,
Cuddalore District.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records and quash the proceeding of the respondent in Na.Ka.No.757/2023 dated 04.12.2023 and consequently direct the respondent to register the Certified Copy of the decree dated 01.03.2018 in O.S.No.141 of 2012 on the file of the Principal District Munsif Court, Cuddalore.

For Petitioner : Mr.R.Gururaj
for Mr.D.Baskar

For Respondent : Mr.R.Neethi Perumal
Government Advocate

Pg.Nos.1/7



W.P.No.5848 of 2024

ORDER

WEB COPY

Mr.R.Neethi Perumal, learned Government Advocate accepts notice for the respondent. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to quash the impugned proceeding of the respondent in Na.Ka.No.757/2023 dated 04.12.2023 and consequently direct the respondent to register the Certified Copy of the decree dated 01.03.2018 in O.S.No.141 of 2012 on the file of the Principal District Munsif Court, Cuddalore.

3. Learned counsel for the petitioner submitted that one Devi Bala filed the said suit in O.S.No.141 of 2012 on the file of the Principal District Munsif Court, Cuddalore against the petitioner's husband Baskar Chettiar for permanent injunction. After full-fledged trial, the trial Court dismissed the suit, vide judgment and decree dated 01.03.2018. After obtaining the certified copy of the decree, the petitioner presented the same for registration. However, the respondent, without registering the same, passed impugned refusal check slip stating that the suit related to permanent



W.P.No.5848 of 2024

injunction and it cannot be registered under Section 23 of the Registration Act, 1908. The learned counsel for the petitioner further submitted that Section 23 of the Registration Act, 1908 does not prescribe the nature of decree to be registered or not registered and there is no provision under the Registration Act to register the decree of permanent injunction.

4. Heard both sides and perused the materials available on record.

5. On a perusal of the records, it is seen that the though the respondent has refused to register the said judgment and decree, there is no provision to register the permanent injunction under Section 23 of the Registration Act, 1908. However, as per Section 23 of the Registration Act, 1908, the respondent can refuse to register the document only when the decree was presented for registration beyond the stipulated period of four months.

6. For better appreciation, Section 23 of the Registration Act, 1908 reads as follows :

23. Time of presenting document.- Subject to



WEB COPY



W.P.No.5848 of 2024

the provisions contained in Sections 24, 25, and 26, no document other than a Will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution

Provided that a copy of a decree or order may be presented within four months from the date on which the decree or order was made, or, where it is appealable, within four months from the date on which it becomes final.

7. Even Section 17(2) (vi) of the Registration Act, 1908, is very clear that, if any decree or order is passed by a Court, the Registrar/Sub-Registrar can register the same.

8. For better appreciation, Section 17(2) (vi) of the Registration Act, 1908 is extracted hereunder :

" 17. Documents of which registration is compulsory :-

(1)

(2) Nothing in clauses (b) and (c) of sub-section (1) applies to

(vi) any decree or order of a Court [except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject matter of the suit or proceedings]; or"



W.P.No.5848 of 2024

9. In the case on hand, the respondent has invented his own reasons best known to him and passed impugned refusal check slip. Therefore, the impugned refusal check slip dated 04.12.2023 passed by the respondent is liable to be quashed.

10. In view of the above, this writ petition is allowed and the impugned refusal check slip dated 04.12.2023 passed by the respondent is quashed. The respondent is directed to register the certified copy of the judgment and decree dated 01.03.2018 passed in O.S.No.141 of 2012 on the file of the Principal District Munsif Court, Cuddalore, if the same is otherwise in order, within a period of six weeks from the date of receipt of a copy of this order and the petitioner has paid the registration fees as well as stamp duty. There shall be no order as to costs.

07.03.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

Pg.Nos.5/7



WEB COPY



W.P.No.5848 of 2024

To

The Sub-Registrar,
Vadalur,
Kurinjipadi Taluk,
Cuddalore District.

Pg.Nos.6/7



WEB COPY



W.P.No.5848 of 2024

P.VELMURUGAN, J.
ms

W.P.No.5848 of 2024

07.03.2024

Pg.Nos.7/7