



W.P. No.12162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12162 of 2024

K.Dhanasekar

... Petitioner

Vs

1.The Sub Registrar
Ambattur Sub Registration Office
Chennai, Tamil Nadu 600053

2.G.Kannan

3.Mrs.L.Kalaiselvi

4.Mrs.K.Gantha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus by calling for the entire records in Refusal Check Slip Number:5/2024 dated 08.03.2024 issued by the 1st respondent and quash the same and consequently directing the 1st respondent to register the ex-parte decree passed by the District Munsif Court, Ambattur dated 15.06.2016 in O.S. No.159/2015.



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W.P. No.12162 of 2024

For Petitioner : Mr.V.Balasubramani

For Respondents : Mr.P.Anandhakumar,
Government Advocate for R1

ORDER

Challenge has been made to the refusal slip issued by the first respondent mainly on the ground that the decree and judgment of the court is ex-parte, based on the circular issued by the authorities.

2. Heard both sides and perused the materials available on record. No counter has been filed by the first respondent.

3. At the outset, this court is of the view that, when the court has passed a decree and judgment, which has not been challenged and the same has reached finality, the registering authority cannot sit over the judgment of the civil court as an appellate authority. When the provision is very much available to register the decree and judgment of the civil court, no matter whether it is an ex-parte decree or a contested decree and as long as it has reached finality between the parties, the said judgment and decree has to be registered.



W.P. No.12162 of 2024

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Accordingly, the Refusal Check Slip Number:5/2024 dated 08.03.2024 issued by the 1st respondent is set aside. The first respondent, namely the Sub Registrar, Ambattur, is directed to register the judgment and decree passed by the learned District Munsif Court, Ambattur dated 15.06.2016 in O.S. No.159/2015, within a period of 15 days from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

11.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Sub Registrar
Ambattur Sub Registration Office
Chennai, Tamil Nadu 600053

2.The Government Pleader
High Court, Madras



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W.P. No.12162 of 2024

N.SATHISH KUMAR, J.

Asr

W.P.No.12162 of 2024

11.06.2024