



WEB COPY

W.A.No.2040



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.2040 of 2021

and

C.M.P.No.13008 of 2021

P.Avoодаiammai

... Appellant

Vs.

1. P.Narayanan

2. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.

3. The District Registrar (Administration),
South Chennai,
No.9, Jones Road, Saidapet,
Chennai – 600 015.

4. The Sub-Registrar, Alandur,
Having Office at No.12, 1st Main Road,
Nanganallur Co-operative Society Ltd.,
Nanganallur, Chennai – 600 006.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 09.03.2021 passed in W.P.No.5685 of 2021.

For Appellant	: Mr.T.S.Baskaran
For R1	: Mr.M.Gnanasekar
For R2 to R4	: Mr.P.Ananda kumar,



Government Advocate

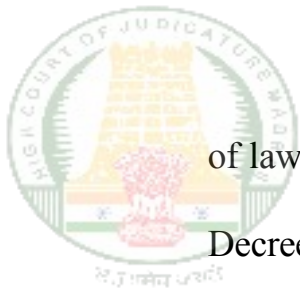
J U D G M E N T

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(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The order dated 09.03.2021 passed in W.P.No.5685 of 2021 is under challenge in the present Writ Appeal.

2. The 4th respondent is writ appellant before us. The 1st respondent, Mr.P.Narayanan filed a Writ Petition to direct the respondents to register the Judgement and Decree passed in O.S.No.45 of 2016 dated 05.03.2018 and the order dated 03.09.2020 passed in C.R.P (NPD) No.131 of 2018. The writ court, after considering the relief, passed an order directing the writ petitioner to present the Judgement and Decree before the Sub-Registrar for registration. As and when the writ petitioner produces the same, the Sub-Registrar was required to register the same. There is no impediment for registering the Judgement and Decree passed in a Civil Suit under the provisions of the Registration Act, 1908. Once the Judgement and Decree of the Civil Court is presented for registration by the presentant, the registering officer shall verify the same and accordingly, register the same by following the procedures as contemplated under the Act and Rules. The registration of a document, since a right conferred on a person, the same cannot be taken except with the authority



of law. In the present case, admittedly the Civil Court passed a Judgement and Decree in O.S.No.45 of 2016. Thus, the said Judgement and Decree of the Civil Court is registrable and thus, we do not find any infirmity in respect of the order passed by the learned Single Judge.

3. The learned counsel for the appellant would submit that the Judgement and Decree in O.S.No.45 of 2016 was an ex-parte decree. To set aside the ex-parte decree an Interlocutory Application was filed in I.A.No.353 of 2021 and the same is pending. Pendency of an Interlocutory Application is not a bar for registering the Judgement and Decree otherwise passed by the competent Civil Court of law. Ex-parte decree passed by the Civil Court are also registrable, since it is a valid decree in the eye of law. That being the factum, the writ appellant is not entitled for the relief. However, the appellant is at liberty to adjudicate the issues in the Suit, wherein an Interlocutory Application is filed to set aside the ex-parte decree.

4. Accordingly, the Writ Appeal stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
08.03.2024



skr

Index : Yes

Speaking order

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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

skr

To

1. The Inspector General of Registration,
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Pattinapakkam, Chennai – 600 028.
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