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W.P.No.23926 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23926 of 2024

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... Petitioner

VS.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinappakkam,
Chennai - 28.

2.The District Registrar,
District Registrar Office,
No.27 C, 1st Floor, Ramasundram Street,
Salem - 636001.

3.The Sub-Registrar,
1G1/7, Singaram Complex,
Gomu Nagar, Ayothiyapattinam,
Salem District - 636 103.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned "Refusal Check Slip" issued by the 3rd respondent vie Refusal Check Slip No.RFL/Ayothiyapattinam/68/2024



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dated 02.07.2024 and quash the same and consequently direct the 3rd respondent to register the Document No. TP185898754/2024 namely Exparte Final Decree passed in I.A.No.593/2015 in O.S.No.346 of 2012 dated 28.08.2023 on the learned I-Additional Sub-ordinate Judge, Salem within the stipulated time.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

The petitioner herein challenges the order passed by the 3rd respondent refusing to register the document presented for registration namely, final decree passed by the Civil Court in I.A.No.593 of 2015 in O.S.No.346 of 2012 on the file of the I-Additional Sub-Judge, Salem.

2.The petitioner herein filed a suit for partition against Sundaravel and 20 others in O.S.No.346 of 2012 on the file of the I-Additional Sub-Judge, Salem and obtained a preliminary decree for 5/54 shares of the suit property on 13.03.2015. Thereafter, the petitioner filed I.A.No.593 of 2015 seeking passing of final decree. The respondents therein remained exparte.



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Ultimately, final decree was passed on 28.08.2023 allotting 5 cents in the suit property in favour of the petitioner as per the Commissioner's report.

The petitioner presented the said final decree for registration before the 3rd respondent. The same was rejected mainly on the ground, the final decree passed is an exparte decree. Aggrieved by the same, the petitioner is before this Court. In the impugned order, the 3rd respondent relied on the circular issued by the 1st respondent in Na.Ka.No. 34930 C1 2019 dated 27.02.2023.

3. Mr.M.Shahjahan, learned Special Government Pleader who is taking notice for the respondents would submit that the circular issued by the 1st respondent dated 27.02.2023 was superseded by the subsequent circular issued by the 1st respondent in Circular No.34930/C1/2019 dated 11.07.2024.

4. In view of the subsequent circular issued by the 1st respondent regarding registration of exparte orders passed by the Civil Court, there may not be any impediment for the 3rd respondent to register the document presented for registration. Therefore, the impugned refusal check slip is



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quashed and the petitioner is directed to represent the document before the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent is directed to register the same, if it is otherwise in order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

23.08.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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S.SOUNTHAR, J.

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