



W.P. No.16 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16 of 2024

Dhandapani

... Petitioner

Vs

The Sub Registrar
Nellikuppam
Panruti Taluk
Cuddalore District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to register the decree dated 6.10.21 passed in S.A. No.2046/2004 on the file of the High Court, Madras.

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

For Respondent : Mr.B.Vijay,
Addl. Govt. Pleader

ORDER



W.P. No.16 of 2024

WEB COPY

Challenge has been made to the refusal slip issued by the respondent in refusing to register the decree dated 6.10.21 passed in S.A. No.2046/2004 on the file of the High Court, Madras.

2. It is the case of the writ petitioner that when he presented the decree and judgment of the High Court, Madras dated 06.10.2021 passed in S.A. No.2046 of 2004 and the terms of compromise, the same was refused to be registered by the respondent. Therefore, challenging the same, the present writ petition has been filed.

3. A perusal of the decree and judgment of this court passed in S.A. No.2046 of 2004 dated 06.10.2021 would show that the parties have settled the matter out of court. The judgment reads as follows:

"The learned counsel appearing for the appellant contended that the matter has been settled between the parties out of court. He has also filed a memo dated 07.09.2021 to that effect.

2. Recording the above said submission and the memo, this Second Appeal is dismissed as settled out of court. No costs."



W.P. No.16 of 2024

WEB COPY

4. The terms of compromise said to have been recorded by the parties is not part and parcel of the decree and judgment of this court. The second appeal has been dismissed as settled out of court. Unless the terms agreed between the parties form part and parcel of the decree and judgment, the settlement arrived outside the court cannot be registered under the pretext of a decree of the court. In such view of the matter, I do not find any merit in the writ petition and the same deserves to be dismissed.

5. Accordingly, the writ petition is dismissed. No costs. It is well open to the petitioner to file an appropriate review application before the concerned court to record the compromise.

09.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

N.SATHISH KUMAR, J.

Asr

To



W.P. No.16 of 2024

1. The Sub Registrar
Nellikuppam
Panruti Taluk
Cuddalore District

2. The Government Pleader
High Court, Madras

W.P. No.16 of 2024

09.07.2024