



W.P(MD).No.18585 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.18585 of 2024
and
W.M.P(MD).No.15782 of 2024**

1.Jayaseeli
2.Motchamary

... Petitioners

Vs.,

1.The District Registrar,
Pudukottai,
Pudukkottai District.

2.The Sub Registrar,
Alangudi Register Office,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to register the original final decree passed in I.A.No.90 of 2020 in O.S.No.9 of 2012 dated 21.06.2022 by the learned Additional District Judge, Pudukkottai.

For Petitioners : Mr.N.Kamesh
For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

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The writ petition has been filed for issuance of Writ of Mandamus to direct the second respondent to register the original final decree passed in I.A.No. 90 of 2020 in O.S.No.9 of 2012 dated 21.06.2022 by the learned Additional District Judge, Pudukkottai.

2. Heard Mr.N.Kamesh, learned counsel appearing on behalf of the petitioners and Mr.P.Subbaraj, learned Special Government Pleader, who takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The petitioners have obtained a final decree in I.A.No.90 of 2020 in O.S.No.9 of 2012. It is the grievance of the petitioners that when the said decree was presented before the Sub-Registrar for registration, the same has not been registered and is kept pending.

5. Mr.P.Subbaraj, learned Special Government Pleader, would submit



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that the said document is pending on the ground of limitation.

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6. This Court has repeatedly held that any sale certificate or a decree of the Court is presented for registration, the delay contemplated under Section 23 of the Registration Act, 1908 will not apply. It is relevant to point out this Court in the case of *M.Rajendran vs. The Inspector General of Registration and others* by common order dated 25.06.2021 made in *W.P.(MD).Nos.8091, 8093 & 9446 of 2020* had elaborately discussed and held that the delay as contemplated under Section 23 of the Registration Act is not a bar for registering the sale certificate or a decree of the Court.

7. In such view of the matter, the second respondent is directed to register the original final decree made in I.A.No.90 of 2020 in O.S.No.9 of 2012 within a period of seven days from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No

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: Yes/No



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N.SATHISH KUMAR, J.

Rmk

To

- 1.The District Registrar,
Pudukottai,
Pudukkottai District.
- 2.The Sub Registrar,
Alangudi Register Office,
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