



W.P.(MD)No.25704 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25704 of 2024

and

W.M.P.(MD)No.21784 of 2024

Saraswathi

... Petitioner

Vs.

The Sub Registrar,
Office of the Manachallur Sub Registration,
Manchanallur,
Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the respondent vide No.RFL/Manachanallur/379/2024 dated 20.09.2024 and quash the same as illegal and consequently direct the respondent to register the judgment and decree passed by the Sub Court, Trichy in O.S.No.318/1998 dated 18.10.2004 within the time stipulated by this Court.

For Petitioner : Mr.S.Ramakrishnan
For Respondent : Mr.C.Satheesh
Government Advocate

ORDER

This writ petition is filed challenging the refusal check slip issued by the respondent dated 20.09.2024 and to direct the respondent to register the



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judgment and decree passed by the Sub Court, Trichy in O.S.No.318/1998 dated 18.10.2004 within the time stipulated by this Court.

2.Mr.C.Satheesh, learned Government Advocate takes notice for the respondent.

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

4.The grievance of the petitioner is that the petitioner has filed a suit for recovery of money in O.S.No.318 of 1998 and obtained an interim order attachment of the properties of the defendants therein. Thereafter, the suit was dismissed for default on 18.10.2004. Thereafter, it has not been restored. When the petitioner presented the said decree and judgment for registration, the same has been refused to be registered on the ground that the suit filed by the petitioner was the money suit. Hence, the petitioner has filed this writ petition.

5.As rightly pointed out by the petitioner, the suit itself was dismissed for default and it has not been restored so far. The order of dismissal has attained finality. In such circumstances, the interim order of attachment passed by the



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civil Court also becomes insignificant as the same will automatically go with the dismissal of the suit. Therefore, mere making entry in the encumbrance certificate will not have any impact on the properties in question.

6. Accordingly, this writ petition is allowed and the refusal check slip issued by the respondent dated 20.09.2024 is set aside. The respondent is directed to register the judgment and decree made in O.S.No.318 of 1998 presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

NCC:yes/no
Index:yes/no
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To

The Sub Registrar,
Office of the Manachallur Sub Registration,
Manachallur,
Trichy District.



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N.SATHISH KUMAR, J.

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