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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4108 of 2025

K.Veerasamy

..Petitioner

Vs.

The Sub Registrar,
Thagattur SRO – I,
Vedaranyam Taluk,
Nagapatinam District

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified mandamus to call for the records relating to the impugned Refusal Check Slip RFL/ Thagattur/ 83/ 2024 dated 11/12/2024 issued by the respondent quash the same and consequently direct the respondent to register the settlement deed dated 11/12/24 to be executed by the petitioner in favour of this Children V.Murugavel and V.Indra

For Petitioner : Mr.V.Raghavachari
Senior counsel for
Mr.P.Gunasekaran

For Respondents : Mr.B.Vijay
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 11.12.2024 and for a consequential direction to the respondent to register the settlement deed dated 11.12.2024 executed by the petitioner in favour of his children.

2. When the matter was taken up for hearing on 14.02.2025, this Court passed the following order :-

When the matter came up for hearing on 12.02.2025, this Court found that an order of attachment was passed in a suit filed in C.S.No.761 of 1992 and subsequently, an ex parte decree was also passed on 28.09.1993. Hence, this Court directed the copy of the judgment and decree to be produced before the Court. Accordingly, the same was produced before this Court and the learned Senior Counsel appearing on behalf of the petitioner submitted that the ex parte decree was never enforced by filing a execution petition and therefore, the decree itself had lapsed by efflux of time.

2. The petitioner is directed to file an affidavit in this regard and based on the same, final orders can be passed.



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Post this writ petition at the end of the motion list on

17.02.2025.

3. When the matter was taken up for hearing today, the additional affidavit of the petitioner was filed and the relevant portions are extracted hereunder :-

4. I respectfully submitted that the suit had been decreed exparte in CS No.761 of 1992 dated 28.09.1993 itself. However, to my knowledge no execution application has been filed. I state that the decree has also worked itself out on account of the passage of the period of limitation.

5. I respectfully submit that there is no legal hurdle in registering the document presented before the respondent and the respondent ought not to have declined the registration.

4. Heard Mr.V.Raghavachari, learned Senior counsel for Mr.P.Gunasekaran, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for respondent.



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5. In the considered view of this Court, the Settlement deed that was presented for registration is refused to be registered only on the ground that the Encumbrance certificate shows an order of interim attachment passed by this Court. However, in the affidavit filed by the petitioner today, a specific stand has been taken to the effect that the exparte decree that was passed on 28.09.1993 was never put to execution till date and therefore, the decree has worked itself out. In the light of the specific stand taken, there will be no bar in receiving the document and registering the same, if it is otherwise in order.

6. In the result, this writ petition is allowed. There shall be a direction to the respondent to register the settlement deed, if it is otherwise in order. No costs.

17.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
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Note : Issue order copy on 18.02.2025



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To

The Sub Registrar,
Thagattur SRO – I,
Vedaranyam Taluk,
Nagapatinam District



N. ANAND VENKATESH, J.

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