



W.P(MD)No.26501 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26501 of 2025

V.Sam Jebadurai

... Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Kommadikottai,
Udankudi Main Road,
Thoothukudi District – 628 653.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order / Refusal check slip dated 18.06.2025 in refusal No.RFL/Kommadikottai/25/2025 issued by the respondent and quash the same and consequently direct the respondent to register the Judgment and decree dated 25.02.1999 passed in O.S.No 306 of 1996 on the file of the Additional District Munsif Court, Thiruchendur within a stipulated period.

For Petitioner : Mr.N.Dilipkumar



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For Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

Heard both sides.

2.The writ petitioner herein presented the certified copy of the decree dated 25.02.1999 made in O.S.No.306 of 1996 on the file of Additional District Munsif Court, Thiruchendur for being registered. The respondent herein declined to register the said decree on the ground that since the suit in question had been dismissed, the decree cannot be registered. Challenging the stand of the registering authority, this writ petition has been filed.

3.The learned counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petitioner.

4.The learned Additional Government Pleader submitted that since the writ petitioner herein is not a party to the decree, the document cannot be received for registration.



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5.I do not find any substance in the objection raised by the registering authority. The suit was instituted by one Veerabagu. The defendants in the suit are Panpanandhan and Vijayarajan. The said Panpanandhan is none other than the father of the second defendant Vijayarajan. The second defendant Vijayarajan is none other than the father of the writ petitioner herein. Therefore, the outcome of the suit has a bearing on the writ petitioner's rights. It is well settled that the limitation of two months prescribed under Section 23 of the Registration Act, 1908 is inapplicable to the registration of the Court decrees. The learned counsel for the writ petitioner drew my attention to the order dated 07.02.2019 made in W.A.No.336 of 2019. It was held therein as follows:

“6. The legal question involved in the instant case is as to whether the respondent could have refused registration of the said decree passed in O.S. No.6 of 1968 dated 29.4.1970 on the ground that it was presented beyond the time limit prescribed under Section 23 of the Act. Since the legal question is no longer res integra and the respondent having not taken note of the legal issue, this Court is of the view that said the writ petition is maintainable and the appellant need not be



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driven to avail the alternate remedy available under the Act. Accordingly, the preliminary objection raised by the learned Additional Government Pleader stands rejected.

...

21. By applying the decision in the case of Padala Satyanarayana Murthy to the facts of the case, the only conclusion that could be arrived at is that a court decree is not compulsorily registerable and that the option lies with the party. In such circumstances, the law laid down by this Court clearly states that the limitation prescribed under the Act would not stand attracted. ”

6. Therefore, the fact that there was delay in presenting the document for registration cannot be a ground for refusing the registration. The Act does not make any distinction between a decree whereby the suit is dismissed or relief is granted to the suit. When the law does not make the distinction, it was not open to the registering authority to introduce such a distinction. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the certified copy of the aforesaid decree. It shall be registered by the respondent subject to the fulfilment of the other usual formalities.



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7.This Writ Petition is allowed accordingly. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

The Sub Registrar,
Office of the Sub Registrar,
Kommadikottai,
Udankudi Main Road,
Thoothukudi District – 628 653.

Copy to

The Additional District Munsif Court,
Thiruchendur.



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G.R.SWAMINATHAN, J.

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