



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

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THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 553 of 2022

1. Kaliyamurthy
2. Sundaravalli Petitioners

Vs

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Registrar Office,
Chidambaram,
Cuddalore District - 608 001.

3. The Sub-Registrar,
Registrar Office,
Bhuvanagiri,
Bhuvanagiri Taluk,
Cuddalore District - 608 601.

4. Mohammed Ghoose. Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the third respondent herein to register the decree passed in O.S.No.3 of 2011 dated 24.07.2015 on the file of the Court of II Additional District Court, Chidambaram, on payment of necessary charges.

For Petitioners : Mr.A.Muthukumar

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

This Writ Petition has been filed for issuance of writ of mandamus, directing the third respondent herein to register the decree passed in O.S.No.3 of 2011 dated 24.07.2015 on the file of the Court of II Additional District Court, Chidambaram, on payment of necessary charges.

2. Heard, Mr.A.Muthukumar, learned counsel appearing for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The case of the petitioner is that the property, comprised in survey No.116/2 and New survey No.484/1 to an extent of 40 cents, owned by the petitioners. The fourth respondent instituted a suit in O.S.No.3 of 2011 on the file of the II Additional District Court, Chidambaram, against the petitioners for specific performance on the basis of the agreement for sale dated 04.04.2008 along with alternative remedy to refund a sum of Rs.18,00,000/- with interest at the rate of 12% per annum. The said suit was dismissed by a Judgment and Decree dated 24.07.2015. However, the petitioners were directed to pay a sum of Rs.1,00,000/- with interest at the rate of 12% per annum from 05.04.2009 till the date of payment. There is no appeal as against the said Judgment and Decree, either by the petitioners or by the fourth respondent herein.

4. As directed by the Court below, the petitioners also deposited the amount to the credit of O.S.No.3 of 2011. Thereafter, the petitioners obtained a certified copy of the Judgment and Decree passed in O.S.No.3 of 2011 and presented for registration before the third respondent. However, the third respondent refused to register the Judgment and Decree for the reason that the decree could not be registered after a period of four months from the date of Decree.

5. This Court repeatedly held that the provisions under Sections 23 and 25 of the Indian Registration Act, which prescribes limitation, will not apply in the case of registration of any Civil Court Decree. Since, the decree is not a compulsorily registrable document and the limitation prescribed under the Registration Act would not stand attracted for registering any decree. Therefore, the third respondent cannot refuse to registration of the Court Decree on the ground of limitation.

6. In view of the above, the petitioners are directed to present the Judgment and Decree passed in O.S.No.3 of 2011 dated 24.07.2015 for registration before the third respondent



and on receipt of the same, the third respondent is directed to register and release the same forthwith.

7. With the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

Lpp

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Registrar Office,
Chidambaram,
Cuddalore District - 608 001.
3. The Sub-Registrar,
Registrar Office,
Bhuvanagiri,
Bhuvanagiri Taluk,
Cuddalore District - 608 601.

+lcc to Mr.A.Muthukumar, Advocate SR.No.2920

+lcc to Government Pleader SR.No.3692

W.P.No.553 of 2022

KSM(CO)
GMY (22/02/2022)