

Court No. - 8

Case :- WRIT - C No. - 10379 of 2023

Petitioner :- Swami Nath And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Civil Sectt.
Revenue Lko And 4 Others

Counsel for Petitioner :- Vipin Kumar Mishra, Suneel Kumar
Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

1. The present petition has been filed challenging an order dated 10.03.1998 whereby directions were issued for registering of the document.

2. The contention of the Counsel for the petitioner is that with regard to the execution, a suit is already pending between the parties for cancellation of the execution of the documents as claimed by the respondents. The Counsel for the petitioner on the strength of a judgment of this Court rendered in the case of Smt. Raisa Begam vs District Registrar, Saharanpur decided on 25.07.2011, whereby this Court had framed two issues and held that where the execution is itself denied, the Registrar has no power for directing to register the documents.

3. Be that as it may, the fact remains that the suit filed by the petitioner for cancellation of the sale deed is still pending. In case, the said suit is decided in favour of the petitioner, the order dated 10.03.1998 shall always be subject to ultimate decision by the Civil Court. The delay in filing the writ petition has also not been properly explained, as such, no interference is called for at this stage except to the extent of the observations made hereinabove.

4. The writ petition is ***dismissed***.

Order Date :- 29.11.2023

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