

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.18373 of 2015

ORDER:

Heard.

The petitioner is aggrieved by registration of a Gift Deed under Document No.5534/2009, dated 02-09-2009. He also made representations before respondents 2 to 4 on 03-12-2014 and 17-02-2015 requesting to conduct enquiry and cancel the gift deed. The present writ petition is filed alleging inaction on the part of respondents 2 to 4.

During hearing of the writ petition, it is fairly accepted by the learned counsel for the petitioner that the petitioner has already invoked Section 31 of the Specific Relief Act and has approached the competent Civil Court by filing a suit seeking cancellation of the gift deed. He, however, sought appropriate enquiry by respondents 2 to 4 with regard to the manner in which the Gift Deed was registered and as to the lawful title of the donor to execute the gift deed.

The petitioner, admittedly, is a third party to the said gift deed and it may be true that he is affected by the said gift deed. However, the petitioner has already taken appropriate remedy by approaching competent civil court under Section 31 of the Specific Relief Act. Since the Civil Court is seized of the matter and unless the petitioner succeeds therein, the registering authority cannot entertain the representations of the petitioner and take action for cancellation of gift deed, as the petitioner is a third party to the said document. Since the remedy invoked by the petitioner is adequate and proper, the petitioner is at liberty to pursue the said remedy. However, the relief sought for in this writ petition cannot be granted.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 23-06-2015

Prv

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Prv