

IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH

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W.P.No. 28115 of 2015

Between:

Boddeda Tatunaidu and another

... Petitioner/s

and

The State of Andhra Pradesh and others

-

... Respondent/s

DATE OF JUDGMENT PRONOUNCED: 9 .9.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1 | <u>Whether Reporters of Local newspapers may be allowed to see the Judgments?</u> | No |
| - | | |
| 2 | <u>Whether the copies of judgment may be marked to Law Reports/Journals</u> | No |
| - | | |
| 3 | <u>Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?</u> | No |

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 28115 of 2015

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ORDER:

Heard learned counsel for the parties.

Third respondent along with her counsel is present,
so also the petitioner No.1 and his counsel.

This writ petition is filed questioning the registration of revocation of gift deed under document No. 3932/2015, dated 23.6.2015 (hereinafter called "the impugned document") by the second respondent on the ground that it was unilaterally registered and the second respondent could not have registered the same.

On 2.9.2015 while issuing notice before admission, the Court passed the following order,

".....Since respondent No.3 is the mother of the petitioner and she is aged 82 years old and is having no means to maintain herself, petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) for the present, with the Registrar (Judicial) to the credit of this writ petition towards the costs and expenses of respondent No.3 to defend this

writ petition....”

Today the learned counsel for the petitioners as well as the learned counsel for third respondent sought urgent hearing of the matter in view of the settlement between the petitioners and third respondent. That is how, this matter is listed today by way of lunch motion.

The third respondent filed a counter-affidavit and in paragraph-3 she states as follows,

“I submit that recently due to misguidance of some of my family members, unknowingly, I subscribed my thumb impression on the instrument of revocation of gift deed Doc. No. 3932 of 2015. I submit that the 1st petitioner has been taking care of me since the death of my husband and I am living with his family in his house. I have no intention to revoke the gift deed made in favour of the 1st petitioner. I submit that the existence of revocation of gift deed would ruin our peaceful lives and relationships. It is true that the subject revocation deed is registered without the knowledge of the 1st petitioner. Hence, I pray that this Hon’ble Court to allow the writ petition setting aside the registration of aforesaid revocation deed.”

The learned counsel for the petitioners, therefore, submits that since the impugned document was

unilaterally registered and as the third respondent herself is consenting to revoke the same, the writ petition be allowed as prayed for.

The compromise among the parties cannot be recorded in a writ petition as the lis involved is not among the private parties only. In view of the stand of third respondent which is also confirmed by her counsel that the impugned document was registered without the knowledge of the first petitioner and that the third respondent had no intention to revoke the gift deed already made, it is open for the petitioners and the third respondent to approach the second respondent and seek revocation of the impugned document. It is, therefore, not necessary to retain this writ petition on the file of this Court any more.

Hence the writ petition is disposed of giving liberty to the third respondent and the petitioners to approach the second respondent for revocation of the impugned document and on receiving the document for revocation, the second respondent shall take appropriate steps for registering the document in accordance with law.

Miscellaneous applications, if any, shall stand closed. No costs.

VILAS V. AFZULPURKAR, J

Dt. 9.9.2015

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