

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.A.No.1152 OF 2015

PC: *(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)*

This writ appeal is directed against the order dated 27.11.2015 passed in W.P.No.38563 of 2015 filed by the appellant.

The appellant in the writ petition sought to challenge the registration of general power of attorney dated 30.06.2014 executed by respondent No.5 in favour of respondent No.6 on the ground that the appellant has equal right in the property. It is the appellant's case that respondent No.5, son of late Sri N.Subba Rao, who is shown as respondent No.4 in the writ petition, executed general power of attorney in favour of respondent No.6 in respect of the entire property in which the appellant also has equal share, being legal representative of late Sri N.Subba Rao. Learned counsel for the appellant urged similar contentions, as were raised before the learned Single Judge.

We have perused the impugned order and we find that the learned Single Judge has considered the appellant's case in proper perspective and has dismissed the writ petition with the following observations:

"I am unable to see any legal foundation for such a claim as the Registrar, who registers the document under the Registration Act has power to examine the document from the stand point of compliance under the Indian Stamp Act and Indian Registration Act and any such compliance with the same, he is bound to register the document. Registering authority, therefore, cannot examine the title of the person executing the document and refuse to register the document on finding that the person executing the General Power of Attorney does not have exclusive title. Since such enquiry into the title is falls outside the jurisdiction of the registering authority, I am not inclined to entertain the writ petition. However, the writ petitioner is aggrieved by the registration, she is at liberty to avail appropriate remedy available under law".

We do not find any reason to interfere with the findings recorded by the learned Single Judge. Learned counsel for the appellant could not and did not persuade us to take a view other than the one taken by the learned Single Judge.

Hence, the writ appeal is dismissed. Dismissal of the writ appeal, however, shall not preclude the appellant from taking appropriate remedy for adjudication of her rights in the property.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date:19.01.2016
Lrkm/Stp