

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.3840 of 2014

ORDER:

It is the case of the petitioner that the 5th respondent has executed registered gift deed dated 16-07-2015 vide document No.2600/2015 in favour of the petitioner in respect of building bearing Municipal No.10-3-311/5/2 admeasuring 928 square yards along with undivided share of land 100.00 square yards out of 200.00 square yards situated at Road No.2, Castle Hills, Humayun Nagar, Hyderabad and unilaterally cancelled the same by revocation of gift settlement deed. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner.

Learned counsel appearing for the 4th and 5th respondents seeks time.

The document itself speaks that it is unilateral cancellation of gift settlement deed and subsequent document executed in respect of subject property is invalid in view of judgment of Apex Court in **Thota Ganga Laxmi v. Government of A.P.** judgment in C.A.No.791 of 2007 and Batch, the revocation of gift settlement deed is without jurisdiction and invalid. Following the same, this Court in **Haji Mohammed**

Ahmed v. State of Andhra Pradesh and others¹ in

para No.3 held as follows:

The Supreme Court, in *Thota Ganga Laxmi v. Government of A.P.* judgment in C.A.No.791 of 2007 and Batch, held that if any sale deed is required to be cancelled, the only remedy is by way of a civil suit for cancellation, but no cancellation deed can be unilaterally executed or registered. The Supreme Court, after referring to Rule 26(i)(k) of the Registration Rules, held that it is only when the earlier sale deed is cancelled by a competent Court can a cancellation deed be registered that too after notice to the concerned parties; and unilateral cancellation of the sale deed, as well as registration thereof, were wholly void, *non est* and meaningless transactions. The observation of the Supreme Court, aforementioned, made in the context of sale deeds would equally apply to unilateral cancellation of gift deeds also. Unilateral cancellation of the gift deed in the present case therefore be, and is, declared to be void. It is made clear that this order will not preclude the respondent from invoking the jurisdiction of the competent civil Court for cancellation of the subject gift deed.”

In view of the same, I find the *lis* in the writ petition is covered by judgments of Apex Court and this Court cited *supra*.

¹ 2012(2) ALD 230

Accordingly, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-09-2016

Note: Office to communicate a copy of this order to the concerned Sub-Registrar to enter the same in the concerned registers maintaining by them.

(B/o.)
nvl



