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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7313/2012

ANITA AGGARWAL

..... Petitioner

Through

Mr. Vipin Nandwani, Advocate

versus

THE DIVISIONAL COMMISSIONER ,

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through

Mr. Naushad Ahmed Khan, ASC
(Civil), GNCTD for R-1 to 3.

Ms. Kritika Dawar, Advocate for R-4.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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16.03.2016

Present writ petition has been filed seeking a direction to respondents to deliver the original registered Sale Deed dated 13th May, 2011 in respect of the property bearing No. 236, Second Floor, Sharda Niketan, Pitampura, Delhi – 110 034.

The prayers in the present writ petition are reproduced hereinbelow:-

- “(a) *issue an appropriate writ, order or direction in the nature of mandamus directing the Respondents no. 1, 2 and 3 to forthwith deliver to the Petitioner or to the respondent no. 4 bank the original registered sale deed dated 13/05/2011, which has been duly registered in the office of respondent no. 3 as document number 6228 in book no. 1 volume no. 3473 from pages 101 to 108 on dated 13/05/2011 in respect of the property bearing number 236, Second Floor, Sharda Niketan, Pitampura, Delhi 110034; and*
- (b) *pass such other or further order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”*

In the counter-affidavit filed by the respondent no. 3 it is admitted that the document in question was got registered on 13th May, 2011 vide Registration No. 6228, Book No. I, Volume No. 3473 at Pages 101 to 108. However, it is stated that the original sale deed is not available in the office of the respondent no. 3.

The Predecessor of this Court vide order dated 5th August, 2015 directed respondent nos. 1 to 3 to hold an inquiry in respect of Sale Deed and file a report in this regard.

On 3rd September, 2015, the Predecessor of this Court directed respondent no. 3 to make an endorsement on the petitioner's Sale Deed to the effect that the same is not traceable and hand over a photocopy of the same to the petitioner.

Today in Court, learned counsel for the respondent nos. 1 to 3 has handed over to learned counsel for petitioner a photocopy of the registered Sale Deed dated 13th May, 2011 with the endorsement that "*the original document registered vide particulars above was misplaced in the office of SR-VI-A, after registration. Hence this certified copy issued in lieu of the original documents.*" A photocopy of the said document is taken on record.

It is clarified that the certified copy of the Sale Deed dated 13th May, 2011 bearing the original endorsement shall be treated as good as original registered Sale Deed.

Learned counsel for respondent no. 3 has also handed over a copy of the enquiry report along with an affidavit by virtue of which the responsibility for loss of Sale Deed has been fixed on the SR-VI-A (Pitampura) and his Reader. Photocopies of the enquiry report and affidavit are also taken on record.

In view of aforesaid, present writ petition is disposed of as satisfied.

MANMOHAN, J

MARCH 16, 2016

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