

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.46256 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents.

2. Petitioner had presented a document for registration before 4th respondent for the purpose of registration. The 4th respondent gave an endorsement dt.20-10-2016 vide written order No.01/2016 stating that there was an injunction order passed by the VI Additional District Judge, Warangal at Mahabubad and that was why he was refusing to register the document.

3. A reading of the order dt.01-04-2011 in I.A.No.138 of 2011 in O.S.No.13 of 2011 passed by the said Court shows that the injunction was only restraining the petitioner and others, who are defendants in the said suit, from interfering with their possession and enjoyment of the plaintiffs in the said suit. There was no injunction restraining alienation of the property by the Writ Petitioner in the said suit. Without there being such an order specifically from the Civil Court, 4th respondent could not have validly refused to register the document.

4. Therefore the Writ Petition is allowed with costs of Rs.2,000/- (Rupees Two Thousand only) to be paid by 4th respondent to the petitioner and the 4th respondent is directed to register the

document presented by the petitioner strictly in accordance with the provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908 without reference to the injunction order, referred to above. This exercise shall be completed within four weeks of presentation of the document by the petitioner to the 4th respondent.

5. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-11-2017

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