

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 11038 of 2006

Order:

The petitioner executed a gift deed on 07.04.2004 in respect of Mulgi No.15-6-511, admeasuring 50 sq. yards, situated at Begum Bazar to his brother, second respondent. The said document was registered as document No.563 of 2004 on 07.04.2004. When the second respondent insulted and misbehaved with the petitioner, the petitioner executed a cancellation deed on 30.12.2005 which was registered as document No.1979 of 2005 by the first respondent. However, when the first respondent made an endorsement that the unilateral cancellation is not valid in the eye of law until annulled by the competent court of law and the buyers/donee can seek redressal in a court of law, if aggrieved by the cancellation deed, the present Writ Petition was filed. The petitioner states that in view of the said endorsement made by the first respondent, the second respondent filed a suit for declaration of his title in O.S.No.755 of 2006 before the I Senior Civil Judge, City Civil Court, Hyderabad and obtained an order of *status quo*.

The issue with regard to unilateral cancellation of a sale deed was considered by the Full Bench of this Court in Yanala Malleshwari v. Ananthula Sayamma<sup>1</sup> and held that the Writ Petition is not maintainable for cancellation of an instrument which purports to nullify a sale deed and the person aggrieved has to approach the Civil Court. The said Full Bench decision of this Court was referred in a decision of the Hon'ble Supreme Court reported in Satya Pal Anand v. State of Madhya Pradesh<sup>2</sup>, with approval.

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<sup>1</sup> AIR 2007 AP 57

<sup>2</sup> (2016) 10 SCC 767

In view of the same, the present Writ Petition is dismissed leaving it open to the petitioner to challenge the deed of cancellation in a competent Civil Court, if he is so advised. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 22.06.2017  
Nsr

