

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5672 of 2017

ORDER:

The case of the petitioner is that the gift deed executed by her husband was presented for registration in respect of 275 square yards in Sy.No.684/1 of Kodur Village to the 2nd respondent. But the 2nd respondent refused to register the same by order dated 17-09-2016 on the ground that the property in the said document is covered by stay orders dated 12-03-2012 in CRPMP.No.1546 of 2012 in CRP.No.1147 of 2012. Aggrieved by the same, the present writ petition is filed.

Heard Sri M.S.Prasad, learned Senior Counsel for the petitioner, who submits that the petitioner or her vendors are neither parties to the dispute arising in OP.No.34 of 2004 on the file of V Additional District Judge, Tirupati nor in the CRP filed before this Court and as such the stay orders are not binding on her and the 2nd respondent should not have refused for registration of the document on the ground of injunction orders in CRP.No.1147 of 2012. Learned Senior Counsel relied on the orders dated 02-04-2012 and 27-04-2011 of this Court in WP.No.9139 of 2012 and WP.No.11560 of 2011.

Heard learned Assistant Government Pleader for Revenue.

The 2nd respondent refused registration of the document presented by the petitioner on the ground that said property is covered by stay orders passed by this Court in CRPMP.No.1546 of 2012 in CRP.No.1147 of 2012 in which neither the petitioner nor her vendor are parties to the said litigation.

This Court by orders dated 27-04-2011 and 02-04-2012 in WP.No.11560 of 2011 and WP.No.9139 of 2012 held that injunction order granted is not binding on third parties, who are not parties to the litigation.

In view of the same, the impugned order is set aside. The 2nd respondent is directed to entertain the document presented by the petitioner for registration and register the same, if he is satisfied neither the petitioner nor her vendor are parties to the litigation in CRPMP.No.1546 of 2012 in CRP.No.1147 of 2012 and if it is in order as per Registration Act and Indian Stamp Act and rules made thereunder. Unless the petitioner or her vendor is party to the litigation, stay orders are not binding on them.

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

A.RAJASHEKER REDDY,J

20-03-2017

Note:

Issue CC in one week.

B/o.

Nvl



