

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 4489 of 2018

ORDER :

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. The first petitioner claims to be absolute owner and possessor of house property bearing Municipal No.8-1-284/OU/46, Plot No.46 admeasuring 89 sq.yards out of 178.95 sq.yards situated at O.U. Colony, Shaikpet, Hyderabad having purchased the same under registered sale deed dated 16.1.1990 bearing Document No.3260/93. According to first petitioner, he executed a registered gift settlement deed bearing Document No.2469/2015 dated 29.5.2015 in favour of second petitioner in respect of the said property. Subsequently, due to various reasons, when he approached the 2nd respondent-Sub-Registrar for cancellation of the said gift settlement deed, the 2nd respondent is not receiving the same. Hence this writ petition.

3. No doubt, in accordance Rule 26 of Rules under Registration Act, 1908, the Registrar cannot refuse to register the deed of cancellation if both parties to the deed are present before him, however since the second petitioner is minor and under Guardians and Wards Act, 1890 unless permission of the competent Court is obtained, the property vested in a minor cannot be parted by any person. Therefore, only on production of order of the competent Court, the 2nd respondent-Sub Registrar shall receive and register the cancellation deed in respect of the subject property.

4. With the above observation and direction, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 20.11.2019
DA