

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Writ Petition No.20715 of 2019

ORDER :

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

2. The petitioner's grievance in this Writ Petition is that petitioner had executed a Will in favour of his son in respect of the subject property on 23.07.2019, but the 3rd respondent had refused to register the same on the ground that there was an interim injunction granted by the Civil Court restraining its alienation in Original Suit No.111 of 2016 on the file of V Additional District Judge, Medchal, at Sanga Reddy District.

3. The learned Government Pleader for Revenue, appearing for respondents, states that the 3rd respondent will furnish reasons for non-registration of the said document under Section 71 of the Indian Registration Act, 1908.

4. In my considered opinion, any interim order passed by a Civil Court restraining alienation of the property will not apply to registration of Wills because a Will is not an 'alienation' during the lifetime of an executor and comes into effect only after his death. So the interim injunction granted by this Court will not come in the way of executing a Will or registering it.

5. Therefore, the 3rd respondent shall receive the Will dt.23.07.2019, presented by petitioner and register it without reference to the Civil Court order within three (03) weeks from the date of its presentation.

6. Accordingly, the Writ Petition is disposed of directing the 3rd respondent to receive the Will dt.23.07.2019, presented by petitioner; and register it without reference to the Civil Court order within three (03) weeks from the date of its presentation. No order as to costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 23.09.2019

Ndr/*

