

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.7159 of 2018

ORDER:

This Revision is filed challenging the order dt.22-10-2018 in I.A.No.591 of 2018 in O.S.No.441 of 1996 of the I Additional Senior Civil Judge, R.R. District at L.B. Nagar.

2. Petitioner herein is plaintiff in the suit.
3. She filed the suit for partition and separate possession of her share in the plaint schedule properties.
4. The suit was decreed on 28-03-2003 and a preliminary decree was passed allotting 1/4th share in plaint A, B and C schedule properties.
5. Thereafter final decree was passed on 13-08-2013 in I.A.No.2742 of 2004. The final decree was sent for registration to the Sub-Registrar, Azampura, Hyderabad and it was registered as Doc.No.417/2014. The registered final decree copy was returned to the Court below.
6. Thereafter it was noticed that there were typographical mistakes in the final decree, which was registered through the Court, and I.A.No.1043 of 2015 was filed to correct the final decree dt.13-08-2013 in I.A.2742 of 2004.

7. Initially the Court below dismissed it on 07-01-2016. The petitioner questioned the same in C.R.P.No.3035 of 2016. The said C.R.P. was allowed on 23-03-2017 and the order dt.07-01-2016 passed in I.A.No.1043 of 2015 in I.A.No.2742 of 2004 in O.S.No.441 of 1996 was set aside and I.A.No.1043 of 2015 itself was allowed.

8. Thereafter petitioner filed I.A.No.591 of 2018 to register the rectification deed through Court before the Sub-Registrar, Secunderabad.

9. By order dt.22-10-2018, the Court below dismissed the said application. It observed that once a document was executed by the Court and was registered, the role of the Court ceases and if necessary corrections which were made subsequently, the parties on their own accord can approach the registering authority for registration of the rectification deed and it is not necessary for the Court to send the registered document once again for registration. It also observed that the order in C.R.P.No.3035 of 2016 did not direct it to send the rectification deed to the Sub-Registrar Office for registration through Court.

10. Challenging the same, this Revision is filed.

11. Learned counsel for petitioner contended that since the original final decree was registered through Court, the rectification deed correcting the mistakes in the final decree as registered by the Court, also requires to be registered and the Court cannot refuse to do so. It

is contended that role of the Court does not cease and it must take steps to get the rectification of the final decree also registered.

12. Learned counsel for respondents also supports the contentions of the learned counsel for petitioner.

13. Since admittedly final decree passed by the Court below, though registered, was found to have mistakes and the said mistakes were rectified when I.A.No.1043 of 2015 was allowed in C.R.P.No.3035 of 2016 on 23-03-2017, it is the duty of the Court below to register the rectification deed also through Court before the Sub-Registrar, Secunderabad, and the Court cannot direct the parties to directly approach the Sub-Registrar and seek rectification stating that it has no role in the matter.

14. Therefore, the order dt.22-10-2018 in I.A.No.591 of 2018 in O.S.No.441 of 1996 of the I Additional Senior Civil Judge, R.R. District at L.B. Nagar is set aside; and I.A.No.591 of 2018 is allowed. Consequently, this Revision is allowed. No costs.

15. The above exercise shall be done by the Court below within six (06) weeks from the date of receipt of a copy of this order, and the parties be directed to bear the costs which would be incurred in getting the rectification deed registered. It is stated that the deed of rectification has already been filed by both parties in the Court below and the same was allegedly returned by the said Court. If so, the

parties shall file the said document before the Court within 10 days from the date of receipt of a copy of this order.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-03-2019

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