

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.46999 of 2018

ORDER:

The prayer of the petitioner in this case reads as under:

'That this Hon'ble Court may be pleased to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the inaction on part of the respondent No.3 in taking action as per law on the representation submitted by the petitioner date 3.12.2018 for deletion of entry relating to Gift revocation deed from the encumbrance records of property bearing M.C.No.5-5-203, to the extent of ground floor and first floor, situated at Patel Nagar, Nampally Hyderabad is highly illegal and amounts to dereliction of duties. Consequently, this Honourable Court may be pleased to direct the respondents to delete the entry relating to gift revocation deed, in respect of property bearing M.C.No.5-5-203 to the extent of ground floor and first floor, situated at Patel Nagar, Nampally, Hyderabad and pass any other order or orders as deemed fit and proper in the circumstances of the case in the interest of justice.'

It appears that the Gift Deed bearing Document No.2573 of 2005 dated 13.07.2005 executed by the fourth respondent in favour of the petitioner, his son, was thereafter, cancelled under Revocation Deed bearing Document No.1066 of 2006 dated 18.03.2006. O.S.No.476 of 2006 on the file of the learned III Additional Chief Judge, City Civil Court, Hyderabad, was filed by the petitioner seeking cancellation of the said Revocation Deed. The said suit was compromised by and between the parties and in terms of the Memo of Compromise filed before the trial Court on 22.01.2008, the parties thereto agreed for cancellation of the Revocation Deed bearing Document No.1066 of 2006 dated 18.03.2006.

In the event the trial Court passed a compromise decree in terms of the aforestated Memo of Compromise, it ought to have marked a copy thereof to the registration authorities concerned for making necessary

entries in their records. As the trial Court failed to do so, the petitioner is before this Court seeking deletion of the entry in the Encumbrance Certificate in relation to the Revocation Deed which now stands cancelled by virtue of the agreement between the parties.

Sri M.Narasimha Rao, learned counsel representing Sri Shaik Abdul Khader, learned counsel for the fourth respondent, does not dispute the aforestated facts.

In that view of the matter, the writ petition is allowed directing the Sub-Registrar, Stamps and Registration, Red Hills, Hyderabad, to carry out necessary corrections in his records in relation to the cancellation of the Revocation Deed bearing Document No.1066 of 2006 dated 18.03.2006 in the light of the compromise effected by and between the parties, which was taken on record in O.S.No.476 of 2006 by the learned III Additional Chief Judge, City Civil Court, Hyderabad. Necessary action in this regard shall be taken expeditiously and in any event, not later than three weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

---

JUSTICE SANJAY KUMAR

Date:20.02.2019

PGS