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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5424/2019**
M/S BEST VIEW PROPERTIES LIMITED Petitioner
Through: Mr Praveen Aggarwal and Mr Harish
Kaushik, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr Ramesh Singh, Standing Counsel,
GNCTD with Mr Dhananjaya Misra,
Mr Chirayu Jain and Mr Ishan
Agarwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **17.05.2019**

CM No.23780/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 5424/2019 & CM No.23779

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “(a) To quash the execution slip no.3973 dated 18.04.2019 at Sub- Registrar- IV, Nand Nagari, New Delhi 110093 and its consequential effects;
- (b) To direct Respondent no. 1 &2 not to execute any Document with reference to Property bearing no. Plot no.-C, Community Center, Near Petrol Pump, Anand Vihar, New Delhi 110092.
- (c) To grant ad-interim stay the operation of execution slip no. 3973 dated 18.04.2019 at Sub- Registrar- IV, Nand Nagari, New Delhi 110093 till the pendency of the present petition.”

3. It is the petitioner's case that he had executed a Mortgage Deed in favour of respondent no.3 (India Infotel Finance Limited) in respect of a property being Commercial Plot No.C, Area measuring 2674 sq. mtrs. situated at Community Centre, Anand Vihar, New Delhi-110092. The said Mortgage Deed was duly registered with the Registering Authority.
4. It is stated that the mortgagee is now seeking to enforce the mortgage as the petitioner has defaulted in repayment of his obligations and, in that exercise, has sold the said property to a third-party purchaser. The petitioner has filed the present petition objecting to the registration of the sale certificate executed in this regard.
5. It is the petitioner's case that prior to entering into Mortgage Deed (which was admittedly executed by the petitioner and duly registered), the petitioner had already entered into a flat buyers' agreement with other persons and handed over certain flats constructed on the property in question to those buyers. The petitioner also states that in this view, the mortgagee did not acquire interest/title in the entire property and, therefore, the sale certificate executed ought not to be registered.
6. The contentions advanced by the petitioner are unmerited. The Sub-Registrar is not required to do a title search of the property in question or entertain disputes of such nature. The Registering Authority is obliged to register the document if the document is in order and is duly presented.
7. In view of the above, the petition is dismissed.

VIBHU BAKHRU, J

MAY 17, 2019/MK