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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3647/2018

ASHA BATRA & ORS

..... Petitioners

Through: Mr Arun Malik and Ms Monika
Shahi, Advocates.

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through: Ms Sukriti Ghai, Advocate for Mr
Devesh Singh, ASC (Civil), GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.03.2019**

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

“In the facts and circumstances of above it is respectfully prayed that this Hon'ble Court may be pleased to set aside the impugned order of the Respondent dated 25th March, 2017, and to further direct the Respondent to get registered the Memorandum of Family Settlement presented for registration on 6th January, 2017.”

2. The petitioners are family members of Late Mr Damodar Dass Batra, who is stated to have died intestate at New Delhi on 03.05.2015.
3. The petitioners claim that on 19.10.2015, the petitioners arrived at an oral family arrangement with regard to the assets of Late Mr Damodar Dass Batra. The said oral family settlement was, thereafter, recorded in a document captioned as “Memorandum of Family Settlement”. The said

Memorandum was presented for registration on 06.01.2017 before the Sub-Registrar of Assurances (the Registering Authority). On 09.01.2017, the Registering Authority passed an order declining to register the said documents on the ground that the said document also mentioned various other immovable properties that were not located within its jurisdiction. Aggrieved by the said order dated 09.01.2017, the petitioners filed an appeal before the Deputy Commissioner under Section 72 of the Registration Act, 1908. The said appeal was dismissed by an order dated 25.03.2017, which is impugned in the present petition.

4. It is the petitioner's contention that the Memorandum of Family Settlement could be registered under Section 18 of the Registration Act, 1908 and, therefore, the Registering Authority within whose jurisdiction the petitioners reside would have the jurisdiction to register the same.

5. The learned counsel appearing for the petitioner has also referred to the decision of the Supreme Court in ***Kale & Others v. Deputy Director of Consolidation and Ors.: AIR 1976 SC 807.***

6. The learned counsel appearing for the respondent does not dispute the afresaid contentniosn and states that she now has instructions that the Registering Authority shall register the Memorandum of Family Settlement, as desired by the petitioner.

7. In view of the above statement, no further orders are required to be passed in the present petition. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

MARCH 11, 2019/MK