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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 13th December, 2022*

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W.P.(C) 4221/2018**SMT. UMA GUPTA**

..... Petitioner

Through: Mr. Sunil Agarwal Advocate.
(M:9810103765)

versus

SUB-REGISTRAR VI-A AND ANR.

..... Respondent

Through: Mr. Shadan Farasat ASC, with Ms.
Hrlohika Jain Advocates.
(M:9620242313)**CORAM:****JUSTICE PRATHIBA M. SINGH****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The Petitioner, who claims to have purchased the Flat No. E-602, Jhulelal Apartments, Pitampura, Delhi-10034, from Respondent No. 2 – Smt. Sneha Bhalla, has filed the present petition seeking the issuance of a direction to Respondent No. 1- Sub-Registrar VI-A, Rohini to register the documents including the Sale Agreement, General Power of Attorney (GPA) and Will in respect of the said purchase.
3. As per the Petitioner, the sale agreement, GPA and Will dated 23rd September, 2009 were submitted to Respondent No.1 vide receipt Nos. 14409 and 14410 dated 23rd September, 2009 along with stamp duty of Rs.1,00,000/- and other charges. It is the case of the Petitioner that she did not receive the registered documents from the Respondent No.1 despite repeated visits to the said office. Finally, the Petitioner received a letter dated 10th February, 2017 informing her that the said record was not

traceable, and efforts were being made for tracing the said documents. However, despite repeated follow ups thereafter, the documents were still not traced. Hence, the present petition has been filed with the following prayers.

“I. issue a writ of mandamus or any other appropriate writ, order or directions, commanding respondent No.1 to hold inquiry with respect to the documents submitted by the petitioner for registration;

II. issue a writ of mandamus or any other appropriate writ, order or directions, commanding respondent No.1 to register the copies of the documents, as available with the petitioner;

III. pass any other order, which this Hon'ble Court may deem proper, under the circumstances of the case.”

4. The status report has been filed by the said Sub-Registrar VI, Pitampura, Delhi, which confirms that the documents are still not traceable, and a lost report vide LR No. 1773451/2017 dated 15th September, 2017 has also been registered in this regard. The relevant extract of the said status report is set out below:

“2. I say that, it is an admitted position that vide this office letter 10.02.2017, Smt. Uma Gupta, petitioner herein was informed that as per digital record, that the Sale Agreement & GPA are pending (unregistered) and best efforts were made to trace out the same.

3. It is further submitted that, that after making our best efforts the documents in question were still not traceable. On the direction of SDM(Vig.)/North West Distt., the then Sub-Registrar-VI-A a letter was written to SHO/PS-K.N. Katju Marg, vide this office letter No.SR-VI-

A/2017/1133 dated 21.07.2017 a request was made to register an FIR regarding missing of original sale agreement bearing Slip No. 14409 and GPA bearing slip No. 14410 both dated 23.09.2009 in respect of Flat No.E-602, Jhulelal Apartment, Road No.44, Pitampura, Delhi.

*4. I say that, on the request of the then Sub-Registrar-VI-A, a lost report vide LR No. 1773451/2017 dated 15.09.2017, was lodged. A copy of the lost report dated 15.09.2017 is annexed herewith as **Annexure A**.*

5. On the directions of DM/NW & SDM(Vig.), efforts were made to trace out the documents in question in both the offices i.e. Record room situated at RU-Block, Pitampura, and Sub-Registrar office situated at Ambedkar Bhawan, Rohini, but said documents are still not traceable. However, Sub-Registrar, has no jurisdiction to accept the notarized documents on record and register the same in place of original documents submitted/presented vide slip No. 14409 (Sale Agreement) & 14410(GPA) both dated 23.09.2009.

6. I say that the documents have still not been traced and due to lack of jurisdiction, notarized copies have not been accepted by our office.”

5. It is not disputed by the Respondent that the original documents were, in fact, deposited with the office of the Respondent No.1 along with the stamp duty and other charges. The stand of Respondent No.2 is that the said documents are not traceable. Under such circumstances, since the Petitioner’s right *qua* the said property is hanging in a balance due to the documents having gone missing, it is deemed appropriate to pass the following directions:

- a) That the Petitioner shall submit duplicate copies bearing the original signatures of the said documents dated 23rd September, 2009. The same shall be presented before the Respondent No.1 on 20th December, 2022 at 11:00 am.
 - b) The said duplicate copies of the documents bearing the original signatures are stated to be notarised. The same shall be taken by the Sub-Registrar as the duplicate copies as per (a) above. Verification of the said documents shall be done in the presence of the Petitioner and Respondent No.2. The verification and recording of the statement shall be done in accordance with the usual procedure adopted by the Sub-Registrar. The Respondent No.2, in these unique facts, shall cooperate in the registration of the documents.
 - c) If the documents are traced in future, the Petitioner shall be given information regarding the same.
 - d) The registration process shall be concluded within 2 weeks after 20th December, 2022.
6. The petition is disposed of in the above terms.
7. It is made clear that this Court has not gone into whether any title or ownership would vest in the Petitioner, pursuant to registration of the documents, which are an Agreement to Sell, Power of Attorney and Will.

PRATHIBA M. SINGH
JUDGE

DECEMBER 13, 2022/dk/am