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

+ **W.P.(C) 7609/2024 & CM APPL. 31635/2024**

JASBIR SINGH

..... Petitioner

Through: Ms. Komal Chhibber and Mr. Sahil
Kalra, Advocates.

versus

THE GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Prashant Manchanda, ASC with
Ms. Nancy Shah and Ms. Paruni
Sharma, Advocates for R-1 to 4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

31.05.2024

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1. On 24.05.2024 this Court passed the following Order:

“1. It is stated by learned Counsel for the Respondent that the representation dated 14.04.2024 has been decided against the Petitioner by passing a detailed order on 18.04.2024. Learned Counsel for the Respondent is directed to place the same on record before the next date of hearing.

2. List on 28.05.2024 in the supplementary list.”

2. Today, learned Counsel for the Respondent has handed-over the Order dated 18.04.2024, deciding the representation of the Petitioner herein and the same reads as under:

“

REFUSAL ORDER

Whereas a document in the name & Style of Sale Deed was presented for registration before the undersigned



vide receipt No. 8002 dated 14.07.2017 in respect of property bearing WZ-III-A/86, Vishnu Garden Extn, New Delhi.

Whereas on scrutiny of document and after going through the records it is observed that in 2017 a representation was received from Smt. Sonia R/o 162, Chand Nagar, New Delhi vide her letter dated 22.05.2015 & 26.05.2015 therein she had requested not to register the document in respect of the aforesaid property. Further, the Hon'ble Court of Ms. Manjusha Wadhwa, ADJ-08, West Distt. Tis Hazari Court, ND vide order dated 09.02.2017 in the matter of Sonia Vs. Simran in the Case No. Civ DJ No. 613425/16 is given directions to defendant not to create any third party interest in the suit property during the pendency of the present suit. In this regard, the presented Sub-Registrar i.e., Sh.Lokesh Kumar, a letter was given to the complaint & also to the presented party to submit the latest court order if vacated or still pending vide letter no.SR-II/BDP/Misc/2017/947-50 on dated 14.07.2017 but didn't received any reply and after that the Sub-Registrar issued a Notice before Refusal to the parties are directed to submit the latest status of the aforesaid court case alongwith stay vacation order, if any passed by the Hon'ble Court to this office otherwise your document will be refused without giving any further opportunity vide order no. SR-II/Misc/2017/296-97 dated 11.09.2017 but till the transfer of the Sub-Registrar, no reply was submitted by the parties in this office.

In view of above, as per section 85 "Destruction of unclaimed documents" - Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed. "I am of the view that this instrument should not be registered as there was dispute and litigation it would cause



multiplicity of litigation and time barred, if the document is registered without clarification of the matter stated above with supported documents. The instrument in question is being refused to register as per provisions of Section-71 of the Registration Act-1908.

If the parties' concern feel aggrieved of the said order, they can file an appeal U/S 72 of Registration Act, 1908, with the Registrar/DM (West), Plot no. 03, Shivaji Enclave, Rajouri Garden, New Delhi-27 with stipulated time as per Registration Act, 1908."

3. In view of the above, nothing remains in the present Writ Petition.
4. Accordingly, the Writ Petition is disposed of along with the pending applications, if any.
5. It is always open for the Petitioner to challenge the Order dated 18.04.2024 by taking appropriate steps in accordance with law.

SUBRAMONIUM PRASAD, J

MAY 31, 2024

Rahul